Reprint

of the

Barnstaple Records

Volume I.

Wainwright.

45-e-17

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THE BARNSTAPLE RECORDS.

RL. 3440

REPRINT

OF THE

Barnstaple Records

65-e-17

PUBLISHED BY

J. R. CHANTER AND THOS. WAINWRIGHT.

With Corrections and Additions by

THOS. WAINWRIGHT.

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VOLUME I.

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PREFACE.

I HAVE undertaken this reprint of the Barnstaple Records at the earnest request of persons interested in the history of the ancient borough. It will, no doubt, be thought by some that I should have produced a more attractive work if I had compiled from them a formal history of the town. Several considerations prevented my doing this. I could not feel sure of the time necessary for such an undertaking, and I saw that in that way I might detract from the credit due to Mr. Chanter, at whose initiative the publication was undertaken twenty years ago, and whose knowledge, legal and archæological, so greatly enhance the value of the work. Antiquarians, moreover, will greatly prefer to have original documents rather than summaries, and they will often appreciate the repetition of prices and such matters which the compiling of the publication by two persons involved. As I feel sure that the work will be of value to all who want to know something about the past history of the town, I am glad that I have been enabled to complete it, and I feel that thanks are due to the subscribers who by their support rendered the publication possible.

THOS. WAINWRIGHT.

Barnstaple, June 23rd, 1900.

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NO. I.

Introductory.

Municipal records—comprising charters, grants, proceedings of manorial, law, and other courts, and special jurisdictions, rentals, receivers, and other accounts, early title deeds and documents relating to property, notes of local transactions and occurrences, minutes of meetings, proceedings of local associations and guilds (trading or religious), old letters, communications to or from the court or central authorities in London or elsewhere, and the other miscellaneous matters and papers connected with our ancient borough, or which may have been in early ages deposited among their archives—would, if carefully preserved and rendered easily accessible, not only have proved a most valuable foundation for provincial and domestic history, but would also have aided most materially in forming a clear view of the constitutional and political history of the realm, and of that gradual change from feudal institutions and military tyranny which has resulted in the present system of local government supervised by a central authority, and local freedom of action combined with safeguards against its abuse, for which the country is mainly indebted to the sturdy action of municipal corporations in resisting the encroachment of feudal lords in early times, and which has on the whole worked so well.

To a certain extent these materials have been made use of by the principal writers on mediæval and constitutional history, but, unfortunately, in times past, the value of such records has been but little recognised by municipal officials, and, in the great majority of ancient boroughs, they have either entirely disappeared, from decay or even more culpable causes, or have been treated with most careless indifference, and in very few cases have the documents, which have survived the neglect to which they had been subjected, been arranged, and rendered available for study, or even for inspection.

The Barnstaple records are only partially an exception to this grand rule. A great many have fortunately survived, but the regular series is lamentably imperfect. The very early ones, as well as most of those belonging to the period of the Civil War, have in some way disappeared; but probably the greatest spoliation has occurred within the last half century, which there is reason to fear is as much from culpable misfeasance as from mere neglect. As the *Saturday Review* recently observed, "Barnstaple has figured so conspicuously in various

constitutional histories, and the claim set forth for the borough of having possessed early a charter and rights bestowed by Athlestan, and of having been a constituent of the Saxon Witenagemote, has been discussed at so much length and gravity by writers like Lord Lyttelton, Hallam, and Sharon Turner, that we cannot turn to the records of the venerable borough without a good deal of interest and curiosity."

That some value was set on these records in early days, and some examination then made of them, is evident from the notices in the authors referred to, and from the frequent marginal notes and observations, with occasional endorsements, in more modern handwriting, on many of them, while at a later period in the last century copies of several important documents were made by the then recorder, Mr. Incledon, a well-known antiquary, which are still preserved in the chests with some valuable notes appended; but most of the originals of those so copied have disappeared. It is also known that many important documents which undoubtedly at one time belonged to the borough and formed part of its records, are now to be found in public and private collections elsewhere, notably in the great collection of manuscripts at Middle Hill, formed by the late Sir Thomas Phillipps. Others from time to time appear in various catalogues, several of which have come under my notice. One, advertised in a London sale catalogue, not very long ago, priced at 7s. 6d., and described as a rental of the Corporation of Barnstaple, written on both sides of a vellum roll for the year 1776, shows that the spoliation has continued down to comparatively recent times. Another, a curious recognisance taken by the Earl of Bath in 1596, turned up lately in Cumberland, and was purchased by Mr. Wainwright. It would be useless and invidious to endeavour to trace the authors of the "despoylment," but it is still more sad to notice the loss and destruction which have been going on from mere want of care during the last half century; the chests, which are known to have been nearly full at the commencement of that period, having been gradually emptying, the contents probably applied to the inglorious use of lighting fires or used as waste paper; and it is indeed fortunate that any records have survived the entire neglect and indifference with which they were treated until recently. Their original receptacles appear to have been a number of long, narrow, iron-bound oak coffers, with internal hatches, each secured with massive hasps and locks, and which in olden time were kept in the ancient Guildhall, then standing near the High Cross, with its elaborate and quaint façade projecting into the street, closely resembling the existing Guildhall at Exeter, but the whole building supported on pillars, leaving an open way beneath—the principal approach to the church. On the destruction of this picturesque building in 1827, the coffers were removed to the lobby of the new Guildhall, but as this lobby also communicated with the Corn Market, and the staircase leading thereto

was used as an approach to both, the place was practically open to the public. Here they remained for many years, and during that period, I believe, they were exposed to pillage and destruction, more from mischief, I expect, than otherwise, as some curious articles of town armour were then lodged in some of the chests, which have also disappeared. When the old corn market and lobby were demolished, the chests were necessarily removed, and for a long period appear to have had no resting place, and were utterly disregarded; and when they again came under my notice, as recently as 1875, they were in an open passage or yard adjoining the Borough Surveyor's house, the locks and hasps all open or gone, some of the hinges broken, leaving the lids quite loose, and the contents marvellously diminished, being quite open to the pilfering of any passers-by. The mischief was then done, but at my suggestion the Mayor put a stop to further depredation and loss by placing strong padlocks on the chests.

Singularly enough, almost immediately after this action a well-known antiquary, Mr. Phillipps, better known as J. O. Halliwell, made an application for their inspection, and some of them were subsequently lent to him on his offer to have them arranged and bound. It appears he was then engaged on a special historical work, for which he thought some data might be obtained among our records, and he therefore confined his attention mainly to the receivers' accounts, rentals, and proceedings of law and borough courts; and it was only those portions of the records which were arranged and bound in volumes, but the ancient charters, title deeds, and miscellaneous papers, documents which constitute by far the most interesting portion of the contents of the chests, were left unarranged, and apparently most cursorily examined, if examined at all. The inspection then made was necessarily a hasty one; but the turning out of the chests disclosed, not only the utterly chaotic state of the upper portion of the contents, a mass of loose and crumpled papers, books, and deeds, which were more or less perfect and legible, but that the lower strata, which had probably been exposed to damp and undue pressure, were a mass of broken and decayed parchment, fragments of seals, paper, and filth, agglutinated together in an almost solid mass, which when extracted was found quite incapable of separation or preservation, much of it as it dried having pulverised and perished altogether. All the large seals appended to public documents, of which there appeared to have been many, were more or less injured, most of them being either reduced to powder or cemented with the remains of the documents in lumps, and utterly beyond recovery. Still, a vast amount remained, all of which have been since arranged and placed in bundles according to the principal subjects, ready for examination. Mr. Phillipps caused the rent rolls and receivers' accounts, and also the proceedings of the borough and sessions courts, to be most skilfully repaired and bound in fifteen strong volumes, which are, however, but imperfectly arranged, either

as to subject or date, and the latter volumes appear to have been put together principally in reference to the size of each minute book or manuscript, and there being no tables of contents or summaries, they are comparatively useless for purposes of reference.

Such being a *résumé* of the history and present state of the records, it is now proposed to offer to the public a more full and descriptive account of them, with specimens or translations of such as appear curious or generally interesting, commencing with a particular description of the bound volumes, and the nature of their contents.

J. R. Chanter.

NO. II.

As stated in the introductory article, fifteen volumes of the records have been bound together, the documents they contain having been most skilfully repaired and inlaid when necessary, and the whole are intended to be permanently deposited in the Council Chamber in an oak case with glass doors, specially made for them. [These volumes, as well as the rest of the borough records, have been removed to the North Devon Athenæum.—T.W.] A full descriptive list of the volumes, with the nature of their contents, will be now given. Each volume is lettered in gold, and a number has been appended to the cover and back of each for convenience of reference.

Vol. I.—A large folio volume, 29in. by 17in., lettered "Rentals 1622-1772," containing seventy-three original rent rolls in vellum and parchment, many of them folded in two parts, arranged in order of date, commencing with the year 1622, the last being dated 1772. Several of the years are missing. Most of them, which when taken from the coffers were crumpled or rolled up, but are now opened out and rendered easier for perusal, are in perfect preservation, with beautiful handwriting, but in a few cases portions only of the rolls are preserved. Unfortunately, they are incomplete during the stormy period of the Civil War, from 1642 to 1649. The rentals comprise the town lands and farms, the manorial high and chief rents generally in separate rolls, and the various payments and acknowledgments for encroachments, resting buildings, and such matters, as well as tolls and shambles. In 1678 and subsequently the rentals conclude with a general warrant of distress to the collectors. The changes from year to year in these rentals are but slight, they being mainly copies of each other, but they show the increasing value of property, and that the Corporation looked carefully after their rights and revenues, as at the end of most rentals is a heading, "New Rents." Most of these appear to have been originally mere acknowledgments for encroachments and easements, and payments for licenses to open doors and windows. Other new rents were for enclosures or buildings in the Castle Ditch and its precincts. on the foreshores of the river and "The Town Waste." The increase of the town in this way appears to have been unusually active just after the termination of the Civil War. Some of the rentals contain entries of disbursements by the collectors, among them payments to the churchwardens, to the bridgewardens, and the collectors of the chantry rents of St. Nicholas, which latter were continued down to the year 1700, after which they

disappear. Some of the most curious of the entries for easements, which frequently occur, are:

For casting limestones on the Strand.
For poles before windows.
For fixing penthouses.
For setting up rackes.
For resting timber, and licenses to lodge timber.
For projecting walls.

And among the more special ones are:

1637.—What the bakers ought to pay towards the rent of the common oven.

1678.—For a tenement in Ballhay being a Bridewell, 1s. 2d.

1569.—For the free gavel of the market and common oven.

1737.—The churchwardens for rent of workhouse.

1763.—The Banqueting House in High Street.

A few specimens of, and extracts from, these rental accounts may hereafter be given in full, but there is somewhat of a sameness in them which would not repay extensive quotations. They are mainly interesting as showing the value and rents of houses and lands, the names of occupiers, the situation of public buildings, and the ancient names of streets, many of which have either been changed or disappeared, such as Ballhay, Bowman's Lane, Southgate Street, etc., and the state of the town generally at the periods of the rentals.

The whole of the entries in this volume are in English, though frequently of an antiquated character and peculiar spelling, the figures especially. The writing and ink good and readable throughout.

Vol. 2.—A thick folio volume, 18in. by 12½in., lettered "Receivers' Accounts, 1386-1643," containing 308 leaves of vellum, parchment, and paper mixed, the earlier being parchment rolls from two or three feet long, flattened and folded. The others are of all sizes, and represent upwards of three hundred different accounts of receivers, bailiffs, and others connected with the borough, ranging over a period of above two hundred and fifty years, commencing Michs. 13th, Richard II. Some of them, especially of the earlier dates, are bridgewardens' accounts. Considerable pains have been taken, and great cost evidently incurred, to repair and restore these accounts and arrange them in order of date as far as possible. But the sequence is frequently irregular, with large gaps here and there. Several accounts have been interpolated since the binding, but even now the volume by no means represents all the Corporation and manorial accounts, there being many still remaining unexamined among the loose documents. The great majority of them are not at all in the modern recognised style of accounts, with columns for figures, of which there are but few instances in this volume, the earliest being in 1564. They rather take the form of short reports of moneys expended, in successive paragraphs, frequently with marginal refer-

ences, and these are interspersed with smaller accounts, receipts, certificates of audit, with original signatures, etc.

The earlier accounts are in Latin, or rather the barbarous dialect which passed for such in the Middle Ages. Here and there they are in Law or Norman French, and many in mixed languages.

The first English one appears in 1498, of course of a very antique character, and the later accounts are all English.

The writing throughout is of a most varied character, as well as the ink used, but is fairly readable when the difficulties of the contractions are mastered. Indeed, the caligraphy of some of the documents is exquisite, and, as a whole, the volume may be described as a model of excellence, not only for the good state of preservation of the contents, but for the perfect way in which the varying sized documents have been arranged and bound together.

The materials for local, and indeed general, history in this volume are of great value. The entries of payments bring before us almost every phase of life and action, as well as of local occurrences and domestic habits and manners during the reigns of Richard II. and the three early Henrys, Edward IV., V., and VI., Richard III., Henry VII. and VIII., Mary, Elizabeth, and James, and the early part of the reign of Charles I., as well as the rates of wages and prices at these early periods, and some considerable amount of extracts from the accounts may be worth printing, but, as a whole, they are so voluminous, with so much mere repetition, as to render the difficulties of selecting and extracting very considerable, to say nothing of the labour of translating and deciphering the originals, but we hope to place some of the more curious portions before the public at a later period.

Vol. 3.—A volume foolscap folio, 13in. by 8½in., lettered "Sessions Court Records, 1581-1631," containing 391 leaves, all paper, in very good preservation, but consisting not, as in the previous cases, of numerous distinct documents bound together, but of a series of manuscript books now bound in one. They vary slightly in size and texture of paper, as well as in the nature of contents, comprising not only Sessions Courts, as lettered, but proceedings of Manorial and Mayor's Courts, and appointments of borough officials, as well as some registers.

The first is a record of the Mayor's Court, 26th October, 24th Elizabeth, 1581, entitled "At a Court of our Lady the Queen, holden before the Mayor and Aldermen." The last in the volume is a Sessions Court of 7th Charles I., 1631. The proceedings of all the early courts are in Latin, and the final parts of the later ones are also in that language.

After these follows a very curious book of "Registers of Horses sold at Fairs" from 1628 to 1652, contained in fifty-one leaves, all regular in sequence, but those between the years 1643 and 1647 are wanting. These registers not only give the price and names of sellers

and purchasers, but likewise a particular description and points of each animal, whether warranted or not, and any special conditions.

This volume gives some interesting particulars as to the borough government and constitution; its independence and liberty of self-action having been, in the words of the *Saturday Review*, almost a law to itself.

Selections will be given in due course, embracing specimens of the proceedings of each variety of courts, and reference to some of the more interesting matters in litigation. It is only to be regretted that the series of court books is so irregular, and that the writing is frequently so crabbed and contracted as to make its decipherment rather difficult.

Vol. 4.—A thick folio volume, 15½in. by 10in., lettered "Sessions Court Records, 1631-1642," containing 274 leaves of paper, quite perfect, being an original court book of the proceedings of the Mayor's Court from 30th May, 7th Charles I., to 23rd January, 18th Charles I., where it ends abruptly in the middle of an entry, the books having several blank leaves remaining. As this period was the commencement of the embroilment of Barnstaple in the Civil War, the town having just then been occupied by Sir Bevil Grenville for the king, and, as the records for the next few years are either fragmentary or absent altogether, it may be presumed that the regular government of the town was then suddenly superseded by a military one. The courts are all entered up uniformly and in the same beautiful writing throughout, each page headed as that of the mayor for the time being, and noted at the end of each mayoralty, e.g., "*Tempore Richardi Medford, Maioris*," "*Finis Curiæ et anni et Temporis Johannis Delbridge Maioris*," all except the Audit Courts being in the before mentioned Law Latin. The great bulk of the entries, and indeed all after 1636, are exclusively those of the Mayor's Court or Court of Record of Pleas, held before the mayor, aldermen, and deputy-recorder, who, in those early days, appears to have been a permanent resident, generally a barrister, though sometimes the town clerk for the time acted as such for the trial of civil actions, which were very numerous, generally between twenty and forty at each court. The sittings were held every fourteen days; marginal notes of the processes occur. In the six earlier mayoralties there are entries of two special courts in each year, one held on Monday next after the feast of St. Faith, Virgin (October 6th), for the appointment of municipal officers, and another called the accompt day and Court of Audit, held on the Tuesday after St. Leonard's Day (November 6th). Specimens of each of these courts will be given hereafter, but the mere civil suits are of comparatively little or no interest. At the later periods it is noticeable how greatly the local jurisdiction was interfered with by the writs of Habeas Corpus and certiorari from the courts above, and by king's writs.

Vol. 5.—A thin volume, 12½in. by 8in., foolscap folio, lettered "Sessions Court Records, 1633-1641" (it should be 1650), containing 113 leaves of paper in good preservation, the latter half from 1637 being smaller sized paper, apparently various minute books bound together. The early part of the former and the whole of the latter portion consist exclusively of bonds and recognisances on licenses to carry on trades, principally butchers and publicans, and for due performance of various public duties under statute. The remainder of the volumes is made up with proceedings of petty sessions, a long series of offenders against byelaws and the good government of the town, and petty offences, who were generally treated by being bound over with sureties, generally in £10 and £5, to appear at the next sessions, and in the meantime for good behaviour. The system of fines and imprisonment in default did not appear then to be in vogue, though here and there we find a committal in default of sureties or other misbehaviour. There does not appear much formality about warrants, an entry as follows being considered sufficient: "Mr. Mayor commanded Richard Horwood to carry Richard Atkins to prison." Specimens of the recognisances taken at this period, and of the presentments of offenders for a variety of matters, which are now certainly considered either as very venial, or not as offences at all, will be extracted and given hereafter. The two last courts included in this volume are April, 1649, and May, 1650. The first years of the Commonwealth give a new form of recognisance, the same being given to the keeper of the liberties of England by authority of Parliament, and the forfeitures declared to be "To the Commonwealth of England." It is in English, and much simpler than the preceding ones. The writing throughout this volume is by different hands, and while the formal matters of bonds and recognisances are in Law Latin, the presentments are generally in English.

Vol. 6.—A thick folio volume, 14in. by 9in., lettered "Sessions Court Records, 1641-1647," containing above three hundred leaves, being apparently a single original minute book, quite complete, and in perfect order and preservation. There is an original title on it, "Court Booke from 19 April, 17 yeare of Kinge Charles, unto the 29th day of May, 23rd King Charles."

This is exclusively a record by the town clerk of private lawsuits in the Borough Court, and is entirely in Law Latin, and mostly in a very neat, though cramped, hand, apparently kept with great care and regularity. The courts are held every alternate week, before the mayor, aldermen, and deputy-recorder, the heading of each court being in the king's name, with date of reign. The proceedings are so utterly monotonous and void of general interest as not to be worth extracting. But it serves to show the vast amount of litigation which went on in these courts in the reign of Charles, there being generally forty or fifty suits at each court, and how wonderfully persistent names are in North Devon.

There are no regular court minute books for an interval of five years during the Civil War, there being only three mere rough note-books.

Vol. 7.—A thin book, small quarto, lettered "Sessions Court Records, 1652-1655," containing seventy-two leaves, commencing 21st February, 1652, and finishing 24th December, 1655, containing rough entries of names of plaints in the Court of Record, all in English. The first heading is—"The Cou't of Record of the Burrough and p'ish of Barnestaple, holden and kept the xxi day of February, in the year of our Lord, 1652, before William Nottle and Richard Harris, Aldermen there." The subsequent ones are before the mayor and aldermen, and, in many cases, the deputy-recorder, with merely the names of the causes roughly jotted down, of little or no interest, except as showing the names of the suitors. The litigation, however, appears somewhat less than in the king's reign, averaging only twenty each court, principally for debt and on the case, though sometimes for assault, trespass, and special matters. Very large amounts are frequently sought to be recovered. On the 24th July, 1654, there is a suit by John Doddridge and others, in a plea of debt for £1,877 4s. 7d., and later a writ of enquiry, at the suit of a John Doddridge; also frequent marginal notes of parties being in prison. There are also constant reminders of the change of Government. A writ of attachment is appended to one page, dated 13th June, 1653, issued in the names of the keepers of the liberties of England by authority of Parliament; and at the court held on October 7th, 1653, the keepers of the liberties of England are plaintiffs in three suits for debt, against Symon Ball, to recover £10, and Henry Balch and George Hill, £5 each. On the 29th October, 1655, the court is for the first time entitled "The Court of Record of the Lord Protector of the Borough and Parish of Barnstaple," and so continued to the end.

Vol. 8.—A thin volume, foolscap size, lettered "Sessions Court Records, 1655-1657," containing eighty-one leaves, and, as the last, a mere plaint book of names of causes in the Borough Court, the first being held on Monday, 7th January, 1655, and the last the 12th October, 1657. The first court is entitled "The Court of Record of the Lord Protector of the Borough and Parish of Barnstaple," which, on the 3rd of March in the same year is altered to "The Court of Record of Oliver Lord Protector of the Borough and Parish of Barnstaple," and so remains until 2nd February, 1656, when his name is omitted, as it is thenceforward to the end of the volume.

Vol. 9.—A thin volume, quarto size, lettered "Sessions Court Records, 1657-1659," containing fifty-nine sheets of paper similar in character to the two preceding, of which it is a mere continuation. The first court, holden 23rd of November, 1657, is entitled as of his Highness the Lord Protector. On the 21st of December, same year, it is shortened to his "Highness," etc., etc., but after December,

1658, any reference to the Protector is dropped, it being thenceforth headed "The Court of Record for the Borough," etc., only. This book is very badly written, and finishes abruptly with blank leaves at the end.

These last three volumes appear to be little more than waste books or notes for future entries, having nothing of the regularity of the earlier and later court books. The entries are altogether in English, and although of little value, and containing very little worth preserving or quoting, the volumes are carefully repaired and bound.

Vol. 12.—Another folio volume, lettered as before, "Sessions Court Records, 1661-1667," containing about three hundred leaves, consisting of a number of annual borough court books, slightly differing in size, bound together, in good preservation generally, but the first court is imperfect. The first date is 23rd September, 1661, and the last 14th October, 19th Charles II. The whole volume contains nothing but notes of private lawsuits, regularly entered at each fortnightly court. Being after the Restoration, the usual royal titles of the courts reappear, with the former barbarous Law Latin and crabbed legal style of handwriting.

Vol. 11.—A similar folio volume, same size as last, lettered "Sessions Court Records, 1666-1668," containing about 290 leaves, being, as before, minute books of the Borough Court of Record of Pleas, bound together, the first court dated 30th April, 1666, and the last 24th October, 1670, all in good preservation, but requiring no special notice, being, as before, mere private lawsuits, generally to recover money.

J. R. Chanter.

NO. III.

Description of Bound Volumes Continued.

Vol. 12.—Another folio volume, lettered as before, "Sessions Court Records, 1669-1674," same size, but double the thickness of the preceding ones, containing just six hundred leaves; made up of two large court books and one smaller one bound together; the first minutes of court being dated 1st January, 1669, and the last 24th May, 32nd Charles, 1680.

The contents are in most respects the same as the two previous volumes—mere civil suits, only showing the gradual changes in the forms of procedure which had grown up, and the increasing interference of the courts above with local authority and local jurisdiction. The Law Latin has not yet disappeared, and very little lessened; but there would appear latterly to have been more trials by jury than in early times, the writs of trials and verdicts being frequently set out in full. The privilege of arrest for simple debt appears also to have been largely exercised, and, indeed, abused, in our local courts, a vast number of writs of Habeas Corpus, for removals of causes to superior courts, being set out in the minutes.

In perusing and deciphering these records of civil suits, one is very much impressed, not only with the very large amount of local litigation which prevailed for several centuries, but with the large sums frequently in question or sought to be recovered; and the names show that the local courts were resorted to, not only by townsmen, but by persons of influence and authority in the vicinity. The name of Chichester appears continually in the plaints, and for some time after the institution of the Order of Baronets by James I. the local officials appeared at a loss how to describe the new hereditary knight, and called him Barronnet Chichester. The name of Rolle also often appears as complainant—in November, 1667, described Johan Rolle Miles Balnei (Knight of the Bath). The keepers of the liberties of England in the period of the Commonwealth themselves instituted proceedings in the Borough Court, probably to recover penalties. In February, 1633, there was a suit by the manorial lords to enforce quay dues. Judgments appear to have been enforced by writs of attachment of the goods, and, in default, of the person of the defendant.

The several volumes of Borough Court Records are not only difficult and fatiguing to read, from the debased language, cramped writing, and most outrageous contractions, but contain very little of sufficient general interest at the present day to be worth extracting

and printing. A few selections, however, will be given in due course. The Court Proceedings, which have been bound up, do not by any means include all the records of that character which are among the archives of the borough. Fragments of a much earlier date—1344, 1402, and 1451—exist, of which translations will be given, and also many more modern ones, which appear to have been overlooked in binding, besides great numbers subsequent to 1700.

This is the last of the series of proceedings of the Mayor's Court, or Court of Record for Civil Suits, which have been bound up. The next two volumes, as also portions of Vol. 3, two or three entries in Vol. 4, and the whole of Vol. 5, contain legal records of a different character. The lettering on the backs of all of them, "Sessions Court Records," is rather misleading, as that word is generally applied to meetings of justices of the peace for counties or boroughs only, though the word "Courts" would apply to all of them very properly. They contain the minutes and notices, not only of the Courts of Record and Mayor's Courts, but also of Sessions Courts, Law-days, Courts Leet, of View of Frankpledge, Audit, Accompt, and other Courts, as well as mere meetings of the Corporation for secular purposes. To appreciate the distinction, it may be well here to remark that in the early period of the history of most boroughs the jurisdiction was much divided, depending on custom, or, rather, immunities and rights claimed to be bestowed by early Saxon kings, and usually vested in what were then termed "maisters and commonaltie, bailiffs, and burgesses." The manorial lords also possessed considerable rights and legal powers, which in ancient boroughs were constantly conflicting with those of the burgesses. After the Norman Conquest the grantees from the Crown and feudal lords asserted still further powers, and used them very freely in extending their authority over the free burgesses, and the jurisdiction in criminal matters was generally wholly vested in them, as well as separate jurisdiction over their own tenants and lands, for which they held courts, while the burgesses, with their bailiffs or mayor, generally exercised the civil jurisdiction and decided all pleas of trespass and contract in their court. The Norman monarchs soon found it necessary to define these conflicting claims and rights by royal charters. The first granted to this borough was by Henry I., not long after the Conquest, which was followed by a long series from succeeding sovereigns, who generally made these grants a means of raising revenue. Most of these charters recognise the government of the town as "having been vested in the mayor and bailiffs from time whereof the memory of man is not to the contrary," and generally either confirm the old or grant new powers and authorities—among them the right to hold courts for a variety of purposes, but generally reserving all rights of the dominant lord. Then came other complications. The lordship became divided into three separate manors, each of which claimed to hold its manorial and customary courts; and as the Corporation and

burgesses gradually acquired all these manors by purchase, and finally the lordship itself, they, of course, equally acquired the right of holding courts depending thereon. The oldest of these is said to be the Court Leet or Lawday, and the Courts of View of Frankpledge; the origin of the latter being to see that the custom was duly observed whereby every freeman was required to obtain pledges or sureties among his neighbours for good conduct and for his being forthcoming to answer for transgressions and to perform his fealty. This was the origin of the system, which has continued down to the present time, of finding sureties for good conduct in certain trades (such as publicans) for the performance of various duties, for good behaviour, to appear at next sessions and in the meantime to keep the peace as regards a particular individual or all the king's subjects—in fact, it may be deemed the parent of the modern system of bail and binding over to keep the peace. The Court Leet was for the punishment of offenders in municipal matters, the preservation of the peace, and the correction of offences against the public good, or for more serious offences, while other courts were specially for the election and appointment of officials and making presentments.

Many of the early courts died out and ceased to be held with the subjects which gave rise to them, but several—and especially the Courts Leet, Lawday, Courts of Piepoudre, and of View of Frankpledge—survived in name at least until very recent times, but in counties and larger jurisdictions their duties have long devolved on quarter and petty sessions. Boroughs were more conservative, and retained old names and old forms to a later period; hence the several distinct headings of courts in our records, and different business transactions at each.

Vol. 13.—A single volume of 253 pages, rather larger than the preceding volumes, being 14½in. by 9½in., lettered "Sessions Court Records, 1665-1673," in excellent preservation and carefully written up, mostly in Latin, but some portions in English, and apparently kept by one hand throughout. The first entry is a Court of Frankpledge, for appointment of officers and presentment of municipal and other offences, and granting licenses, dated 9th October, 1665. Then follows a Leet Court of Sessions of the Peace, with a great number of recognisances taken for good behaviour, generally in £20, with sureties of £10. The various courts throughout are much mixed with minutes of meetings of common council for election of burgesses and other matters. The last court is dated 14th July, 25th Charles II. This volume is especially interesting as showing the state of the town, and the stringent method of government thereof upwards of two centuries since. The powers of the mayor and local authorities appear to have been quite unrestrained, and the most trivial circumstances of daily life were strictly controlled. Presentments by the Leet extend to the most minute and private concerns, of which some interesting and amusing specimens will be extracted.

Vol. 14.—A volume of nearly similar size, but of 475 pages, lettered as the others, "Sessions Court Records, 1677-1716," apparently made up of a variety of the original municipal registers of the meetings in council. The formal parts are in Latin, but with a great deal of interesting matter in English, beginning in 1683, and extending from Charles II. through the reigns of James II., William and Mary, and Anne, to the third George I.

It comprises the original entries of elections of mayors and officials, with their signatures and the oaths taken by them, and also appointments of burgesses or freemen, which in the latter reign appear to have been made a considerable source of revenue, £10 being generally charged for enrolling a "stranger."

The entries in this volume also throw a curious light on the state of things in the period following the Restoration and the Crusade against Popish Recusants.

Vol. 15.—A volume, long folio, 16in. by 6in., containing ninety-eight leaves, and lettered "Rate Books, 1649-1694"; in good preservation, and very carefully repaired; being apparently made up of several small rate books. The first is a rate made for relief of the poor in 1649, and there are others for 1650, 1652, 1662, 1664, 1665, and 1694. There are also rates for mending highways (1652 and 1653), and at the end of most is a warrant for levying them, distinguishing those who have ploughlands and those who have not; and in 1653 there is a proclamation or notice as to statute labour on roads. This book also gives summaries of the weekly disbursements for the poor.

These notes afford a variety of valuable information—the names of streets and of inhabitants, and number of houses in each street, with the relative value and amount of rating. The poor rates were made for weekly collection, generally for forty weeks, but on one occasion for one month only, varying from 1d. to 8d. each collection. First, the mayor and magnates were assessed, then the occupiers of houses by streets, then such as live out of the town and ought to pay to the poor in person, then the occupiers of lands, then a rate on the houses belonging to strangers that live out of the town, yearly, then the owners of houses who are rated weekly.

The highway rates are levied first on occupiers, then on owners of land. The names of the estates are set out, and are in most cases identical with the present names. There was an additional payment as a fine for not performing statute labour. In 1665 wine licenses were entered for rating.

Most of the small books appear to have been used as collecting books also, having tallies or marks of the weekly payments. As the contents of this volume are more matters of statistical detail than of actual interest, it may be as well to transcribe the few entries which are at all curious at once.

Account annexed to poor rate for 1662:

Thomas Harris, James Pope, Mark Downman, and Richd. Parmynter, Overseers of the Poore, Barnstaple, in the yeare 1662, are debitd, viz.:

Imprs. our rate booke, being £3 6s. 9d. a weeke, which we did receive for 55 weekes, amounts to £183 11s. 3d. Received more of William King, Robert Rice, and Edward Thomas for the houses they live in, £7, making £190 11s. 3d.

		£	s.	d.
1663.	4th April, pd. the poore	3	16	6
	11th ,, pd. the poore	4	0	0
	18th ,, pd. the poore	4	5	0
	More, we crave allowance for Mr. Alec Horwood		18	4
	Item. We crave allowance for Mr. B. Salisbury		9	2
	,, We crave allowances for 4 lissences 4d. weeke each	3	13	4
	,, Pd. for rugs give in to the poore	1	1	0
	,, Pd for linning given to the poore	1	7	9
	,, Pd. for repairing the house Robert Rice lives in		6	6
		19	10	3
		171	1	0
		£190	11	3

This accompt was perused and allowed this 13th day of March, 1666.

JOHN GREAD, mayor.
JOHN PALMER, alderman.
RICHARD HOOPER, alderman.

Moneys given to the poore to be distributed weekely in bread as followeth:

	£	s.	d.
The Mayor of Exon to pay for Sir John Acland's gift yearly ...	02	12	00
Fower pieces of ground in Pilton, purchase with Mr. Adam Lugg's gifte, to be given in bread yearly	07	00	00
John Tooker's house, Richd. Kinge liveth in	02	00	00
The house that Rice liveth in	03	00	00
Edmund Thomas for the house he liveth in	02	00	00

Original notice as to the statute labour, under seal.

"Barnstaple. Thomas Mathews, Mayor of the bourough and p'she of Barnstaple, William Nottell and Richard Harris, Aldermen there, Justices of the Peace, within the saide bourough and p'she, To George Chappell and Phillipp Edwards, Surveyors of the High Wayes, and to either of them, Greeting. Whereas warninge hath bine given, and six severall daies appoynted to the inhabitants of this towne and p'she, to come to worke att the high wayes for the reparations thereof, and great neglect in that behalfe hath been made by the sevral p'sons in this booke named, and by you presented. Theise are therefore to will and requyre you further to collect and levy upon either particular p'son such fine, fforfeiture, and penaltye for his and their several and respective neglect, as the statute in such case hath limited and ordeined. That is to say, upon everye person haveing a plough land and makeing defaulte, for each several day's defaulte, xs., and upon each other inhabitant not having a plough land, xiid. for each several day's default, and if any shall refuse to paye the sayde forfeiture that then you levye the

same by distress and sale of such person's goods, rendering to them the overpluss, if any be. Given under our hands and seales, att Barnstaple, this 8th day of August, Anno Domini 1653.

"Thomas Matthews, Maior.
"William Nottell, Aldmn.
"Richard Harris, J.A."

This is the last of the bound volumes. The particular and, perhaps, rather diffuse descriptions are given mainly for identification, and as a check on pilfering any portion of them hereafter, but also for the guidance of those who may wish to consult the volumes themselves.

It is now proposed to select and extract from them, in a series of articles, such entries as appear of interest, either locally or generally. There is, of course, much in them of the most formal and monotonous character, from which any valuable facts can only be sifted by much labour and a vast amount of mere repetition. But even the dry court registers have occasionally interspersed curious notices and notes on collateral subjects, some of which will be given. It will not now be feasible to print the selections in any regular sequence as to date, or arrangement as to subject, but the volumes labelled as "Sessions Court Proceedings" will be taken first, and all the bound volumes gone through, before proceeding to calendar and making selections from the mass of loose and unbound records and documents, which will probably prove more generally interesting.

We shall commence with specimens of the Court Registers and matters relating to the government of the town. The translations will be made by Mr. Wainwright, headmaster of the Grammar School.

J. R. C.

Fort Hill, January 18th, 1879.

NO. IV.

In commencing the selections and extracts from the volumes which have been bound up, it is necessary to premise that, our object being to place before the public not only matters of historical or general interest, but also those which are curious for their local associations, and which may present to readers of the present day a picture of things as they were in the town in olden times, it may happen that some matters may be given or dwelt on which will appear valueless or trifling to professed antiquarians or students; the antique form of spelling and contractions will not be followed except in some special cases—or occasionally as illustrating the style of the period. Indeed, the peculiar style, as well as the spelling and strange contractions, and the frequent admixture of debased Latin and obsolete words, require, for the purpose of ordinary reading, to be rendered into the modern vernacular, quite as much as if in Latin or other language. Unnecessary repetitions and verbiage in the quotations will also be generally curtailed.

Selections from Vol. 1.

The first few accounts have suffered so much from damp that they are legible only in parts, and therefore only a few items can be quoted.

1622. The sum of the receipts was £38 7s. 3d., and the expenditure here accounted for 6s. 2d., the particulars of which are as follow:

	s.	d.
To the Bayleiffe of Barnstaple for a high rent		9
To the Bridgewardens		12
To the Collectors of the late Chauntery of St. Nicholas	3	6
To the Bayliff of Hogg's fee		5
To Hugh Wichehalse, gentleman		6

1625. Incomplete.

1629. Total receipts, £28 2s. 7d. Expenditure here accounted for 3s. 6d.

1633. Total receipts, £38 2s. 7d. Rates and payments to be paid out by the collector 6s. 5d.

1636. Receipts from high rents, £11 8s. 7d. In this account among entries of payments for "newe rents" are five for gardens in the Castle ditch, and two for "racks" in the Castle ditch, from which it appears that the ground round the castle was being made use of partly for gardens and partly for placing the racks on which the clothmakers stretched their cloth to dry. Another entry referring

to the bakers in as follows. The particulars of what the bakers ought to pay towards the rente of the common oven:

	s.	d.		s.	d.
John Bagster	5	0	John Heale	8	0
John Warman	8	0	William Prince	6	0
Oliver Cole	5	0	Phillipp Smythson	6	0
William Weale	7	0	Simon Amery...	6	0

1642. Incomplete.

1649. Incomplete.

1651. Total receipts, £32 14s. 9d.

1653. The accounts for this year, being complete and legible, are given in full, furnishing a specimen of what these accounts were, and also giving the names of the holders of Corporation property at the time. The rent roll of all messuages, lands, and tenements belonging unto the Corporation of Barnstaple from the feast of St. Michael, 1652, untill the feast of St. Michael, 1653:

	£	s.	d.
Mr. Gay for a house over Northgate		5	0
Mr. Gay for the moytie of a tenement in High Street, sometime Richard Marier		14	6
Squire for the other moytie of the same tenement		14	6
Richard Ferris for a tenement in Fishambles wherein William Bellew dwells		9	6
Mr. William Wood for the tavern on the Kay		14	0
Wood for the Customs House		4	0
Peard for a tenement on the Kay, sometime Mr. Darracotts		10	0
Peard for setting out the said tenement further than it was before ...		1	0
John Eales for his tenement upon the Strand		10	0
John Eales for his pole before his window			2
John Boller for a little shop under the Guildhall	1	0	0
Richard Harris for the moyetie of a tenement in Crock Street		12	0
Thomas Horwood for the other moyetie of the said tenement		12	0
Mr. Challinar for a tenement in High Street, sometime Roger Beare's ...		19	0
Margaret Hackett for a tenement in Bowtport...		18	0
Joseph Delbridge for his tenement in High Street wherein he dwells ...		13	4
Joseph Delbridge for a tenement in High Street, Lewes Groves dwelt ...		12	6
Dorothy Hill for a tenement and two gardens at Lichdon, sometime Agnes Quicks		5	0
John Gread for a garden at Litchdon, sometime Nath. Quicks' . ..		1	0
Palmer for his marsh called Goose Leaze		6	0
Lawrance Gay for two tenements and gardens, sometime Rottenburies		13	4
Richard Budd for his tenement in Southgate		13	4
John Gill for two tenements in Boutport, sometime Nicholas Lang's ...		12	0
Geffery Webber for a tenement next unto the Church stile, sometime William Yeo's		4	0
James Oliver for a tenement in Anchor Lane		5	0
Mr. Nicholas Dennys for Portmarsh		13	4
Mr. John Downe for a little peice of ground in Barbican lane		2	0
Thomasyn Harris for a peice of grounde upon the Kay		1	0
Richard Blackmore for two tenements upon the Kay in the tenure of George Britton			4
Walter Lawnd for his tenement in Crock Street		13	4
Hugh Badcock, of South Molton, for his tenement in South Molton .		2	0
Nicholas Cooke for a tenement in Crock Street, sometime Grace Gay's		17	0
William Johnson for Castle Hayes	2	6	8
Richard Stanbury for a courtlage erected by Mr. Norris			4
Richard Oliver for a wellhouse upon the Kay		1	0
Mr. Norris for fixing timber upon Lewes Downe house			1
Mr. John Doddridge for his courtlage upon the Key...			5
Susan Collibear, widow, for fixing timber upon the Kay Hall			4
John Witheridge for his new building and tenement near the Castle hayes		2	0
The widow Penrose for her tenement in Balhaye		1	4
The Corporation of Barnstaple for a tenement in Balhay now the Bridewell		1	4
Peter Rowe for his taverne upon the Kay	1	0	0
William Colibeare for fixing tymber upon the Bridgland in Boutport ...			4
The Corporation of Barnestaple for a tenement in Balhay, sometime Mr. George Peard's		1	0

	s	d
John Hawke for a tenement and garden in Castle Lane	2	0
Mr. Richard Harris for a tenement in Balhay, sometime Mr. Justinian Westcombe's	1	4
George Plyme for a tenement at Litchon which was Thomas Sa terne's	10	0
Mark Blackmore for a little shopp under the Guildhall	2	8
Katheryne Cleland for her tenement and new building in Mayden Street	1 11	10
Arthur Smale for a tenement at Lichdon, sometimes Kingdomes... ...	1 0	0
William Lee for his howse and courtlage at the Stoope	1	0
Mary Brand, widow, for a tenement in High Street, sometimes Thomas Lichton's	10	0
Mrs. Sara Paige for fixing timbers upon the Guildhall ...		4
Dr. Henry Downe and Roger Jeffery for a wall in Paternoster Rowe ...		2
Mr. Nicholas Delbridge and Docter Henry Downe for a wall		1
Thomas Mathewe for his howse upon the Strand, which was Mr. Ayres'		4
Thomas Mathew for a plot of ground taken out of the Strand behind his howse		4
Peter Terry for a tenement adjoining to the churchyard	1	4
Mr. Adam Lugg for a tenement in High Street	4	0
The Receiver of Barnestaple for a high rente	2	0
Mr. Wm. Nottell for the house upon the Strand which was Mr. Crosse's	4	4
Mr. Wm. Nottell for a piece of land taken out of the Strand behind the said house		6
Mr. Hugh Horsham for a house upon the Kay wherein Cliverden sometyme dwelt	4	0
Miles Chaldon for a tenement in Bare Street ...	10	0
Lewes Mudd for a tenement and cellar at Southgate	1	0
Joseph Bonifast for a shop under the Guildhall	10	0
Mr. Bassett for the new work upon the Kay	4	0
Mr. Bassett for a stable near the Easter slipp	4	0
Alexander Whiller for an Incrochin to a tenement in Boutport, sometime Nicholas Lang's		2
Mrs. Norris for a little shopp upon the Kay which was Quick's, with a gutter or throng adjoining	3	0
Symon Amory for a tenement upon the Strand next unto the Horsemill	2	0
William Bragg for a tenement upon the Kay, adjoining to Sir John Acland's land		6
Anthony Palmer for a plott of ground taken out of the Strand behind Mr. Collibeare's cellar		6
Mrs. Susan Collibeare for the same howse wherein Mr. Richard Cox did dwell...		4
John Paller for his sellars upon the Kay...		4
Thomas Cox for erecting the front of his howse upon the town land at Southgate...	1	0
Mr. John Horwood for erecting part of his new building upon the town land at Grible's corner		4
Mr. Arthur Peard	10	0
Mrs. Wood for two tenements, a garden, and courtlage, which was in the tenure of Phillipp Ferris	6	0
William Bragg for the widow Johnson's tenement near Hugh Punchard's	5	0
Mr. Richard Harris, marchant, for the house upon the Strand which was Mr. Westlake's		4
The same for a peice of ground taken out of the Strand behind the said howse		6
John Mynard for a house, garden, and plott of ground taken in from the Strand	1 10	0
Mr. John Palmer for a courtlege for his warrhowses on the Key		6
Mr. Thomas Coxe for putting of timber on the town land		4
Nathaniel Merricke for		4
The summe is	£38	6 1

As the items given do not amount to this sum, it is probable that a balance was handed over from the previous year which does not appear in the account.

The rent of the shopps in the fishambles:

	£	s.	d.
Richard Plymm for a shopp there...		5	0
Humphrey Barnes ,, ...		16	0
William Wood ,, ...		12	0
William Walters ,, ...	1	0	0
Robert Jetson ,, ...		4	0
Richard Sleeper ,, ...		5	0
The shopp rent is	£3	2	0

Rents and payments to be paide out by the collectors of Barnestable aforesaid, viz.:

	s.	d.
To the Bayliffs of Barnestaple for an high rent		9
To the Bridgewardens of Barnestaple	1	0
To the Chauntry of St. Nicholas	3	5
For an acquittance for the same		4
To the Bailiffs of Hogg's fee		5
To Mrs. Thomasine Harris for fyxing tymber upon her wall in Mayden Street		6
	6	5

1664. The total sum collected for chief rents, £8 4s. 4½d. The following memorandum is made: The Bayliffes are to pay unto the Baronett according to an agreement made with his great grandfather, Sir John Chichester, Knt., in full of all rents and acknowledgements, £14 18s. 6½d. yearly. This account is signed by Thos. Cox, "town clearke and steward."

1672. The total amount collected for chief rents, £13 14s. 7d. One of the items is as follows:

The executors or trustees of Sir John Chichester, Barronett, deceased, for the horse mill...	£1	0	0

1683. Among the high rents and acknowledgments ordered to be collected this year the following appears:

Thomas Gay for his house in Joy Street, at the corner next High Street ...	2	0	

This Thomas Gay, the uncle of John Gay, the poet and dramatist, is believed to have adopted and brought up his nephew after the death of William Gay, the father of the latter, in 1695. It is therefore in this house that the young poet resided for some years while attending the Grammar School, then under the headmastership of the Rev. Wm. Rayner and Rev. Robert Luck. The house is at the south-east corner of Joy Street. It is now, and has been long, in the occupation of Messrs. Hunt.

THOS. WAINWRIGHT.

NO. V.

SELECTIONS FROM VOL. 4.—AUDIT COURT ACCOUNT.

Tempore Wilhelmi Palmer, Majoris, 1632.

Barnestaple. The account and auditt there kept and holden on Tuesday next after the feast of St. Leonard being the fiveteenth daie of November, 1631, and in the seaventh yeare of the reigne of our souveraine Lord Charles, by the grace of God, of England, Scotland, France, and Ireland, King, Defender of the Faith, etc.

The debt and remainder of the account of

	£	s.	d.
Walter Tucker and Richard Long, collectors, is	34	0	2
John Walls and Nathaniel Symons, Bailiffs, is	7	1	7½
Alexander Horwood and Geafferie, Bridgewardens, is	5	9	7½
John Blackford, receiver	14	12	3½
Sum total	£61	3	8½

Which said severall somes the daie and yeare above said were paid over unto the handes of George Penrose, the present receiver, and the said severall accompts thereof acquitted.

Whereof given away at the shutting up of this accompt by and with the consent of Mr. William Palmer (maior) and Richard Medford and Justinian Wescomb (aldermen), which is to be allowed unto George Penrose, the receiver, upon his account the next yeare:

	£	s.	d,
Imprimis given to the poore of the new almeshowse...		10	0
Item to the poore people of the towne		10	0
Item to Anthony Baker		6	8
Item to John Blackmore, Crier		2	6
Item to James Mill		1	0
Item to Thomas Lichton		3	0
Item to Richard Steward		2	0
Item to Nicholas Voysey		6	8
Item to the Town Clerk	1	0	0
Item to the Town Clerk's man		10	0
Item to Wood, the Sexton		1	0
Item to Richard Horwood		5	0
Item spent in wine and cakes		6	6
Item paid Mr. Alexander Horwood upon a bill which was brought in after passing the accounts		5	8
Sum	£3	10	0

Mem.—That the daie and yeare abovesaid being the account daie Mr. Alexander Horwood took to farme the Key, the Key Hall, the yarne beame, and the crane to hold the same untill the next account daie being Tuseday after St. Leonard's daie at the rent of £105 per annum, the same to be paid quarterlie, Mr. Nicholas Delbridge being suertie for the same, with this condition that if the plague shall happen into this towne, whereby the marketts shall be decayed, that then upon request in that behalf by the said Alex. to be made, the

towne shall take the same into their owne hands, the said Mr. Horwood paying only for the time past at the time of the surrendering up of the same according to the rate of £105 per annum.

Tempore Wilh. Palmer, Majoris, 1631.

A particular note of what the bakers paid for the rent of the common oven:

	s.	d.		s.	d.
Richard Salisbury	8	0	John Heale	8	0
John Warman	8	0	William Prince	6	0
Elinor Cole	8	0	George Frost	6	0
Wm. Neale	7	0			
Phellipp Weay	8	0	Total	£2	19 0

SWEARING IN THE BOROUGH OFFICIALS FOR THE YEAR 1633-4.

Barnestaple. The Court of View of Frankpledge of our Lord the King, held in the Guildhall of the borough of Barnestaple aforesaid on Monday next after the feast of St. Faith, Virgin, namely, on the 7th day of October, in the ninth year of the reign of our Lord Charles, now King of England, etc., before John Delbridge, mayor of the borough and parish of Barnstaple aforesaid, James Welsh, Esq., deputy recorder, and Richard Ferris and Nicholas Delbridge, aldermen, there.

On which day and year persons were sworn to the offices following, viz.:

To the office of Mayor, John Delbridge.
,, ,, Senior Alderman, Richard Ferris.
,, ,, Junior Alderman, Nicholas Delbridge.
,, ,, Recorder, ———
,, ,, Deputy Recorder, James Welsh, Esq.
,, ,, Coroner, Richard Ferris and Nicholas Delbridge.
,, ,, Clerk of the Market, John Delbridge.
,, ,, Chamberlain, Gilbert Paige.
,, ,, Town Clerk and Clerk of the Peace, Robert Lane.
,, ,, Receiver, Thomas Mathewe.
,, ,, Constable, Henry Masson, John Brand, William Galsworthy, James Horwood, John Deddington, Richard Harris, jun., Richard Hawkes, and Stephen Leach.
,, ,, Collector, Walter Beaple and William Darracott.
,, ,, Bailiff, Richard Hooper and John Sketch.
,, ,, Sergeant at Mace, Richard Horwood and John Gread.
,, ,, Searcher of the Market, John Launcey, Richard Atkey, Wm. Gill, Thos. Lichton.
,, ,, Warden of the Long Bridge, Anthony Gay, George Baker

To the office of Water Bailiff, ———
" " Pound Keeper, ———
" " Scavenger of the Market, ———
" " Scavenger of the Long Bridge.
" " Supervisor of Strangers, John Gread.
" " Inspector of Weights, George Richards and John Dobb.
" " Sealer of Hides, Eusebius Horwood, Simon Weeks.
" " Bellman, John Blackmore.

1633. *Mem.*—That whereas the good shippe called the Truelove of Bideford, of the burden of 40 tunns or thereabouts, lately arriveing from the islands of Fyall unto this port of Barnstaple loaden with sugars and woads, being the goods of George Shurte, of Bideford, merchant, and other merchants of the port of Barnestaple, which goods ought to have been landed at the key of Barnestaple, and there paid the duties of craneage, kayage, haleadge, etc., but forasmuch as the said shipp had taken a leaque by means whereof the goods may be in danger to perish if it should be brought upp unto the key of Barnestaple and not presently landed, therefore the said George Shurt for that it appeared unto him by letters lately sent from the farmers of his Majesty's customes directed to the Maior and Aldermen of this towne his Majesty's officers of the Custome Howse for the port of Barnestaple that the said goods ought to have been brought to the key of Barnestaple, and there landed according to the statute in such case made and provided according to the antient priviledges of this towne did this present seaventh daie of Februarii, Anno Dni. 1633, intreat the Mayor and Aldermen of this town that they together with his Majesty's said officers at the Custome Howse for this port of Barnestaple, would be pleased for the preservation of the said goods to give way that the said goods might be landed at Apledore or Bideford, and, in recompence of such dutys as would accrue unto the towne of Barnestaple if the said goods had been there landed, the said George Shurte did pay unto the said towne of Barnestaple the sum of five pounds, which sume of five pounds was bestowed and imploied in manner and forme following:

	£	s.	d.
Imprimis to the farmers of the Key crane	1	0	0
Item for charges of letterrs	1	0	0
Item given amongst the poorest porters of the town		10	0
Item to Mr. Lane, the Town Clerk, for writing letters, etc....		10	0
Item given amongst the poore		5	0
Item the rest dd (delivered) to the Receiver to be imploied in repayring the crane	1	15	0
Sum	£5	0	0

North Devon Athenæum,
Barnstaple, 1899.

THOS. WAINWRIGHT.

NO. VI.

Selections from Vol. 5.—Specimens of Recognisances by Butchers and Victuallers.

The bonds were in each case £10, with two sureties of £5 each.

"The condition of the Recognizance is that if the said N. Symons shall not kill, dresse, or sell, or cause, procure, or suffer to be solde, killed, or dressed, any fleshe meate in his howse, during this time of Lent, contrary unto his Majesty's orders and proclamations in that behalfe heretofore published, and contrary to the Lawes and Statutes of this Realme, in such case made and provided, then the Recognizance to be voyde or els the several sumes abovesaid to leavied upon their several goodes and chattles, lands and tenements, to the use of our Sovereigne Lord the Kinge."

This form was repeated in February or March of each year.

The numbers so bound in this volume were—

In 1633	... ...	40	In 1639	... ...	44	In 1643	... ...	24
„ 1636	... ...	37	„ 1641	... ...	32	„ 1646	... ...	32
„ 1638	... ...	38	„ 1642	... ...	30			

The next recognisances are those of the publicans—taken in the same amount as the victuallers.

"The condition of this present Recognizance is such that, whereas the above bounden, John Ley, is allowed to keepe a common Alehouse, or Tiplinge house, for the yeare now followinge; yf, therefore, the said John Ley, during such time as he shall keepe such common Alehouse or Tiplinge howse, shall not suffer any unlawfull plaie at Tables, Dice, Cards, Tennis, Bowles, Cloishe, Coits, Loggets, Shuffleboard, or any other unlawfull games, to be used in his howse, garden, orchard, or backside, especially by mens' Servants, Labourers, Apprentices, or Idle persons; nor shall dress, or cause, or suffer to be dressed, or eaten in his howse, any flesh meate, upon days prohibited by the Lawes and Statutes of this Realme, nor shall wittingly receive into his howse any person defamed for thefte, incontinencie, or drunkennes, or such as shall be beforehand notifyed unto him by the Constable or Constables of this towne, to be an unmeete person to be received into a common Alehouse; nor shall lodge, or keepe, any strange person above the space of one night and one day togeather, withoute givinge notice thereof to some Constable of this Bourough; and if the sayd John Ley doe and shall well and truly observe and keepe the Assize of Ale and Beere, according to the Lawes and Statutes of this realme, and lastlye, if the saide John Ley shall, dureinge all the time that he shall keepe such common selling of Ale

and Beere, shall use, maintaine, and keepe good order and rule in his howse, then this Recognizance to be voyde, &c." (as before).

In 1645 an alteration is made in the clause against harbouring strangers, by excepting soldiers that are quartered on them. In 1647 the word "Beere" is first found in the recognisances. In 1649, when the recognisance is made, for the first time, to the keepers of the liberties of England, the word "Tiplinge" is altogether omitted, and a much simpler and shorter form used.

The number of publicans in the periods included in this volume are—

1634	...	...	... 46	1641	..	...	... 37	1646	...	...	... 25
1637	...	...	... 40	1642	...	...	... 29	1648	...	...	... 24
1638	...	...	... 36	1643	...	...	... 30	1649	...	...	... 28
1639	...	...	... 33	1644	...	...	... 49	1650	...	...	... 43
1640	...	...	... 38	1645	...	...	... 30				

These victuallers and tippling house keepers seem to have been kept under pretty strict control, and their houses well looked after, judging from the presentments at sessions, and the numbers held to bail for various statutory offences. The presentments are principally for the following matters:

For tippling without license.
For breaking assize of beer.
For receiving and harbouring strangers.
For forestalling and regrating barley and malt.
For raffle board playing.
For keeping a gaming house.
For playing at cards.
For a shuffleboard.
For night walkers.
For making a ryott.

The offenders were generally bound over in sureties to appear at the next sessions. Seven or eight names were frequently included in each charge; and in 1637 sixteen were presented in one batch for tippling and five for playing at cards.

More detailed extracts on the subject of presentments for offences will be given when dealing with the next and subsequent volumes, but I should here note that the description "Barber Chirurgeon" appears as the occupation of sureties in several cases.

Breaking the assize of beer, frequently referred to, it is scarcely necessary to explain, means selling at an unauthorised price, or by an illegal measure.

Restrictions on malting do not infrequently appear.

Act 1634 ordered: "That no maulster shall, from henceforth, convert any barley into mault until the next sessions."

April, 1637. "It is ordered by this court that no Maulster within this towne shall, from henceforth, convert any barley into mault, save only such as shall be allowed and assigned by the Maior and Aldermen under their hands and seals, and only such as shall be so

allowed to convert such quantity weekly as shall be by such license limited, and noe more."

There are but few miscellaneous matters in this volume, but the following extract is not explained by the context:

16 Charles 1st, 1640.

"It is ordered and agreed by the Court that upon consideration that John Webber hath released Robert Wills out of Prison, and hath promised to forgive him his debt, and to seal him a general release, that the said Webber shall not, hereafter, be rated to the poor of the parish of Barnstaple during his life, to which the said John Webber doth agree, and giveth order that the said action depending against the said Wills at the suit of the said John Webber shall be withdrawn."

Selections from Vol. 13.

The contents of this volume, comprising Courts of Frankpledge, Leet, and Quarter Sessions, ranging over a period of above seven years, are very interesting, but are so multitudinous and varied as to make a selection difficult. The Courts Leet and of Frankpledge, principally dealing with the presentments of municipal offences, and those of Petty and Quarter Sessions, with their punishment by holding to bail, bills of indictment, fines, and special orders, but none of the courts appear to have their duties strictly defined. The Court of Frankpledge was presided over by the mayor and an officer called the Seneschal, who was annually elected, and generally acted also as clerk of the peace at the Quarter Sessions, at which the recorder or his deputy was conjoined with the mayor and aldermen as judges. The election of officers and capital burgesses, and admissions to freedom, occupy much space, and have some interesting entries. On the 8th of October, 1666, John Seldon, senior alderman of the borough, was presented "for absenting himself, and neglecting to be present at the swearing of the new Mayor, which by charter is required to be done before the Mayor, his predecessor, and the aldermen, to the manifest prejudice of the Corporation, the hazarding of the loss of their liberties and privileges, and the infringing thereof, which, by his oath, he is bound to support, uphold, and maintain. It is, therefore, thought fit, ordered, and decreed that the said John Seldon shall be utterly dispelled and dismissed from being senior alderman any longer, or to have any power of government within the said town and parish, but that one other of the common counsell be chosen in his room."

10th May, 1673. "At a Common Counsell, Mr. Richard Parminter, who had been elected a Capital Burgess, appearing, and being demanded to be sworn a common counsellman, gave his answer that he would take the oaths of allegiance and supremacy, and the oath of a common Counsellman, and being demanded whether he would take the oath, and subscribe the declaration in

the Act, he desired to be excused, and not to discover further, but there were those things that he could not do, and so refused," upon which he is fined £20.

At a subsequent court, one of the sergeants at mace reported "that, by order of the Maior, he did give notice to Mr. Richard Parminter that the Mayor and Counsell had fined him twenty pounds, and that, if he did come in by the Tuesday following, he might save the money, or otherwise he must pay it, to which he made answer, 'It was well enough, or some such slight answer.'"

The result of his recusancy was that another was elected in his place.

Similar exercises of authority frequently occur; the mayor and magistrates acted pretty much as despots.

In October, 1668, John Greade was dismissed, "because he is so weake he cannot be present."

In another case, "being very bad of the gout" was a sufficient reason for disqualification.

On the other hand, these officials, so despotic in their functions, were kept pretty sharp up to their duties by the grand inquests or jurors at the Courts of Sessions and Frankpledge, as will be seen in the extracts given from the presentments.

They did not also always ecape having their conduct and actions brought in question by their inferiors.

George Hill, speaking of what Mr. Alderman Merford did as a justice of the peace, said "that he did let go those that were more guilty than himself and that the said Medford would burn him, the said George, if he had power, and further that he had layed out £16 for the town, and that when the rents of the town were collected they paid themselves, and did not pay him."

"For speaking of which words and other ill behaviour the said George is fined £5 and committed to prison, there to remain till payment, and till he doth give sureties for good behaviour."

"Walter Snow did confess that he said it was more for malice than matter that Mr. Alderman Medford sent his son to wit Humphrey Snow to prison."

The following abstract of order shows that Friday was not originally the sole or principal market day:

7th October, 1672. "Forasmuch as there hath been time out of mind, used and kept three market days for flesh within the town of Barnstaple, namely, Tuesdays, Thursdays, and Saturdays, which have been constantly till of late observed and kept as the only market days for flesh, and forasmuch as several of the free burgesses, who are butchers, have of late, contrary to the former usages and customs, and to the violation of the good orders in former time observed, brought in publicly, and sold on Friday of the market day, used and kept for selling of corn and other wares, merchandise, and victuals, except flesh, and foreasmuch as the said butchers have been often warned

and ordered by the Maior to forbear bringing into and putting to sale in the market on Fridays any flesh, and notwithstanding, in contempt, have continued so to do, and having been summoned and appeared before the Maior and Alderman Rooke to answer their contempt, have some of them peremptorily resolved and declared that they would continue their bringing in flesh to the market Fridays, and in pursuance of such resolution Henry Smale and Ezekial Smale, freemen of the borough, did yesterday, being Friday, bring into and sell in the market several quantities of flesh to the manifest violation of the long and continued good order as aforesaid, and in contempt of the Mayor (clerk of the market) and Justices of the Peace, to whom, by their oath as freemen, they owe all dutiful and regular obedience, and in the breach of their oaths as freemen, whereby they swear to be buxom and obedient to the Mayor, and to uphold and observe, perform and keep the compositions, ordinances, and rules of the said borough and parish of Barnstaple. We the Common Council now met do think meet and fit to disfranchise the said Henry Smale and Ezekiell Smale, and do accordingly disfranchise and displace them from being any longer free burgesses."

Specimens of Minutes of an Audit Court.

Tempore Wilhelmi Palmer, Maioris, 1631.

Barnestaple. The accompt and audit there kept and holden on Tuesday next after the feast of St. Leonard, being the 15th day of November, 1631, and in the 7th year of the reign of our Sovereign, Lord Charles, by the grace of God of England, Scotland, France, and Ireland, King, Defender of the Faith, etc.

The debt and remainder of the acco. of Walter Tucker and Richard Longe, collectors, is xxxiiij ijd. (£34 os. 2d.).

The debt and remainder of the accompt of John Wall and Richard Simons, bayliffs, is vij i vij ob. (£7 1s. 7½d.).

The debt and remainder of the acco. of Alexander Horwood and George Ferris, bridgwardens, is v ix vij ob. (£5 9s. 7½d.).

The debt and remainder of the account of John Blackford, receiver, is xiij xij iij ob. (£14, 12s. 3½d.).

Sums tots. Lxi iij viij ob. (£61 3s. 8½d.).

Which said several somes the daie and year abovesaid were paid over into the handes of George Penrose, the present receiver, and the same and all accompts thereof acquitted.

Whereof given away at the shuttings up of this acco. by and with the consent of Mr. William Palmer (mayor) and Mr. Richard Medford

and Justinian Westcombe (aldermen), which is to be allowed unto George Penrose, the receiver, upon his account for next year.

(Inter alia.)

	s.	d.
Imprimis given to the poore of the new Almshouses	10	0
Item to the poore peoples of the towne	10	0
Item to the Town Clarke	20	0
Item to the Town Clarke's man	10	0
Item to Wood, the Sexton	5	0
Item spent in wine and cake	6	6

In a subsequent audit account:

Allowed unto Richard Harwood in regard of the relief of the poor prisoners which were sent unto him, being for matters of the Kinge	30	0
Allowed unto John Heale, the keeper of the Bridewell, towards the maintenance of Chy. Cullie, a mad woman...	30	0
To John Launday for helping the Receiver	3	4
To Bundrey, the scavenger	40	0
For the dyet of John Cole when he was in prison, etc.		

J. R. Chanter.

NO. VII.

SELECTIONS FROM VOL. 3.—SPECIMENS OF VARIOUS COURT MINUTES.

A general description of this volume having been already given by Mr. Chanter in No. II. of these papers, it is now proposed to furnish extracts, in many cases *verbatim et literatim*, from which much interesting information may be gathered as to the condition and government of the borough in the latter Tudor and the Stuart times.

The greater part of the volume consists of records of the various courts and the cases brought before them; the first of any interest being as follows:

Barnestaple. Law Court and view of Frankpledge, before Robert Appley, mayor of the town aforesaid, John Barret and John Harrys, aldermen of the same, in accordance with the customs and liberties granted to the burgesses of the said town by divers kings of England and confirmed by our lady the Queen now reigning, held in the Guildhalde there on Monday the 22nd day of April, in the 25th year of the reign of our Lady Elizabeth, by the grace of God, of England, France, and Ireland, Queen, Defender of the Faith, etc.

The twelve men for our Lady the Queen.	Stephen Swete	John Allyn
	John Symons	James Jule
	Roger Beaple	Henry Handford
	Gilbert Harrys	John Laneman, jun.
	Richard Guyll	Nicholas Wichehalse
	Richard Sallisbury	John Lange
	John Deymon, jun.	Richard Shareshyll
	Phillip Ferrys.	

Who came and on their oath presented that Roger Cade, Henry Gribble, Richard Welshe, William Tawton, John Dennys, Edward Parker, Henry Puggesley, John Darracote, jun., Andrew Bery, James Merywether, John Taylor, George Sloley, Stephen Suffild, Thomas Payne, John Furlonge, John Evan, John Horrowd, William Hunte, George Delbridge, Baldwen Hyll, William Laneman, John Bond, merchant, Hugh Cornyshe, Nicholas Laneman, Robert Collybeare, John Honywill, burgesses of the town aforesaid, and owing suit, have made default this day, and they are therefore fined.

They also present that John Stevyns, at Northgate, Nicholas Furlong, George Sloley, Walter Clement, Phillip Horrowd, Arthur

Neyle, Johanna Parrett, John Coke, John Lange, Anastacia Walter, Elizabeth Ounslow, John Blackemore, Wm. Yeo, Nicholas Bewman, Arthur Symons, Richard Juell, Thomas True, Thomas Harrys, Thomas Parker, James Merywether, John Frynd, William Tryp, Agnes Bond, Stephen Taylor, Thomas Thorne, John Bond, John Hycket, Lawrence Gorton, Richard Martyn, Stephen Harrys, Thomas Budde, John Gorton, John Holme, Thomas Somer, and Bartholomew Ayre, being not only common brewers, but also tappers (retailers) of ale, sell with illegal messures, contrary to the orders of the mayor and the custom of the town, and they are therefore fined.

They also present that Hugh Ackeland, Nicholas Conyber, John Bushton, Humfrey Puggesley, Matthew Thorne, Walter Hartknoll, Peter Juell, William Slocomb, Thomas Streblyn, George Marshall, and forty-four other persons whose names are given, being common butchers, are blowers of their meat within the borough to the injury of the people, and they are therefore fined.

They also present that Johanna Dart, widow, had permitted the pavement in front of the door of Merewether at the Southgate to be out of repair; fined.

And that Richard Hyll has allowed the pavement in front of his house to be out of repair; fined.

And that seventeen other persons named had been guilty of the same offence, all of whom were fined.

And that James Barret has made spoons contrary to the statute; fined.

And that Nicholas Gay is a common loiterer.

And that John Ackland is a common night watcher and listener at a man's window.

And that the aforesaid John Ackland and Richard Licheton have absented themselves from the parish church.

And that John Thorne molested Nicholas Bowman in performing his duty for the Queen.

And that the wife of Gabriel Bowman is a scold.

And that Elizabeth Norman and Elenora Phelips are scolds and fighters.

And that Walter Pearse, Thomas Hayne, and Wm. Stanbery are common bowlers, that is, players at bowls.

And that John Lang allowed dung to lie near his garden in Castle Lane, thereby preventing the water flowing into the gutter.

And that several other persons placed dung and earth in the road near their dwelling.

And that John Hame and Stephen Taylor placed timber on the Quay.

Barnestaple. The accomptes there made the Tuesdaye next after the feast of Saynt Leonard, beynge the xiiith daye of November, in the xxiiijth yere of the reigne of or Sov'eigne Ladye Elizabeth, by the grace of god Quene of England, ffrance, and Ireland, Defender of the Faith, etc.

	£	s.	d.
The bridgewardens debt is	7	5	2½
The bayliffs debt is...		17	10¾
The receyvers debt is	6	6	5½
The collectors debt is	16	17	8
Somme	31	7	2¾

Paid to Mr. John Deymon, Chamb'layne, these

	£	s.	d.
Item the Chamb'laynes debt is	2	10	0
Somme	2	10	0
Receyved of Mr. Dodderidge	1	1	7
And of John Loder, for his fyne	3	0	0
And of Mr. John Deymon, Chamb'layne	8	19	3
Somme of all Receyts	46	18	0¾
Wch is alld. to the said Mr. Chamb'layne, Whereof paid by the said Chamb'layne to Mr Heton	7	0	0
John Holmes, al' [alias] Steven, is to pay for the fyne of his seller under his house	20	13	4
Whereof allowed to him for the Churchwards account bestowed upon the Charnell [Churchyard] and Schole House [the Grammar School often spoke of as "ye Highe Schole in ye Charnell"] ...	11	5	1
And allowed to hym for expenc bestowed uppon the Vicaridge ...	3	15	2
And allowed to hym for expenc uppon the Church...	5	0	0
And so remayneth what is paid to Mr. Maior in the Courte which is disbursed with the 13s. 4d. received by Mr. Maior	2	0	0

Item paid more by Mr. John Deyman, Chamb'layne, as followeth:

	£	s.	d.
Imprimis paid to James Sparrowe	1	0	0
Item paid to Richerd Bowden		4	0
Item paid to John Richards		6	8
Item paid to George the Bedman		1	6
Item paid for parchment for engrossing accounts...		1	4
Item paid to George Hone			6
Item to Nicholus Bowman, for fyre, etc.		1	6
Item to the two serjiants		5	0
Item paid to William Hunte		10	0
Somme	2	10	6
And so there remayneth 2s. 6d., which Mr. Maior hath taken towards his expence for the Exeter jorney	27	8	0¾

At the Court held before the same Mayor and Alderman on the Monday before the Assumption of the blessed Virgin Mary, August 12, in the 25th year of Queen Elizabeth, the following borough officials were appointed:

To the office of Mayor of the said town, Richd. Avery.
,, ,, Aldermen, Rd. Dodderidge and Jno. Welshe.
,, ,, Receiver, Robert Prouze.
,, ,, Chamberlain, Robert Appley, senr.
,, ,, Seneschal of our Lady the Queen and Town Clerk, Philip Wyot, gent.
,, ,, Constables, John Norrys, Rd. Downe, Roger Beaple, Geo. Baker.
,, ,, Bailiffs, James Wescomb, Stephen Swete, John Colliscote, Geo. Delbridge.
,, ,, Collector of the Rents, Walter Sherman, Rd. Ferrys.

To the office of Wardens of the Long Bridge, Rd. Wetheridge and John Holme, alias Stevens.
" " First Sergeant at Mace, John Laneman, junr.
" " Second Sergeant at Mace, Nicholas Bowman.
" " Searchers of the Market, Rd. Bowden, John Laneman, senr., Thomas Gunne.
" " Keeper of the Shambles, John Richards.
" " Keeper of the Pound, Scavenger of the Bridge, and Beadle of the Paupers, John Paramour.
" " Examiners of Weights, Jas. Delbridge and Thos. Minten.
" " Churchwardens, Jno. Lange and Wm. Bayley.
" " Scavenger of the Quay, Richd. Bowden.
" " Sealer of hides (not named).

Barnstaple. All the accounts there holden the Tuesday next after the feast of St. Leonard, beynge the vijth day of November in the xxixth yere of the raigne of or Sov'aigne Quene Elizabeth, etc.

	£	s.	d.
The debt of the bridgwardens		17	8
The debt of the collectors...	18	10	4
The bayliffs are in surplage upon there accounts	1	9	11
The debt of the resceyvor is	5	13	11
The chamberlaynes debt is	12	9	10
The some of all the receyts, the said surplage beynge paid	36	1	10
Whereof paid to Mr. Hugh Brasyer, in full paymt of £20...	5	0	0
And paid to the two serjiaunts		8	0
And paid Mr. Barreste		10	0
And paid for writynge this yere		4	0
And paid to Pockocke			6
Some of all payments	6	2	6
And so there remayneth clere	29	19	4

Which is paid and delivered to Mr. J. Pyne, chamberlayne.

Item.—Whereas Robert Martyn, late resceyvor of the said towne, hath charged hymself in his accounte to have resceyved of John Lange £10 for the farme of the Kay-hall, etc., in truth he resceyved of hym but £5, so the same resceyvor is sithens allowed of the other £5, and the said Lange remayneth dettor of the same other £5 to the Corporation of this towne.

Mem.—The Resceyvor to resceyve of James Myll ev'y Saterday from hensfourth 4d. until 15s. be paid.

And to resceyve of John Evans ev'y Saterday 4d. untill 3 sh. be paid and 6d. quarterlie.

And of Harry Gribble ev'y Friday 4d. untill 20s. be paid.

Item.—Resceyved more of the wardens, £6.

So the whole charge of the resceyte which the said Mr. Chamberlayne hath resceyved and is charged with all amounteth to £35 19s. 4d.

Barnestaple. On Saturday, November the 11th, in the 29th year of the reign of Elizabeth, &c., between the hours of seven and ten before noon, in consequence of the death of Richard Peard, the late

Mayor, who died on the preceding day, a majority of the Common Council assembled and chose in the place of the said Richard Peard, as one of the said Council, James Wescomb, who was sworn in. They also elected to the office of Mayor for the following year John Harrys, who was sworn in.

Law Court, 29th April, 30th Eliz.

Walter Peard, Rd. Beaple, and nine others fined for playing at bowles and other unlawful games at the Castle, contrary to the statute.

Walter Pears, Wm. Downeman, and Bartholomew Ayre fined for keeping gambling houses for their profit.

Twenty-nine persons named, being common brewers, are also fined for having sold beer in their houses, and so broken the assize.

Four night walkers fined.

Nicholas Gaye and two others fined for being idle persons.

John Barrett for placing dung near his house in Castle-lane.

Rd. Dodderidge for placing dung near his stable in Holland Street.

John Welsh for placing a Beam tree in Anker-lane.

(Translation.)

Mem.—That on the first day of March in the 31st year of the reign of Elizabeth, &c., before Robert Prouze, Mayor, and Wm. Palmer, Alderman, came fourteen persons named, described as tipplers, and bound themselves in the sum £5 each on the conditions following:

The condition of this present recognizance is thus, that if the above bounden persons do not or shall not kyll or dresse, nor cause to be kylled nor dressed, any flesh in there howses, nor there sell or utter any in this tyme of Lente or other dayes prohibited by the lawes and statuts of this realme for any cause or respect whatsoever, except it be for such persons or person as shall ly or lodge in there howses, and shall be lawfully licensed in respect of sicknes or other necessarie cause to eate flesh, that then this present recognizance to be voide and of none effecte, or els to be levyed on there lands and tenements, godds and cattales to the Quene's Majesties use. There also came Nicholas Combe, Dionisius Swete, and William Damonte, of Barnestaple, Bouchers, and each of them separately bound himself in £10 under the condition following: If the above bounden persons, nor any of them, do kyll or sell, or cause to be kylled, or sold, any kynd of fleshe durynge this tyme of Lente, or in any other tyme of Restreynt, contrary to the Lawes and Statuts of this Realme, and the orders and ordynances lately in that behalf ordered and provided for by the Lords of the Quenes Majesties Privy Counsell, and then this present recognizance to be voyd and of none effecte, or els to be levyed, &c.

Before Robert Prouze, Mayor, Wm. Palmer and George Pyne, Aldermen, Monday, 3rd March, 31st year of Elizabeth.

John Pasmore, the son of Philipp Pasmore, late of Barnestaple, deceased, cordyner, hath put hym apprentice with John Clerke, of the parish of Barnestaple, aforesaid, weaver, with hym to dwell from the 18th day of Februarie last past for the terme of fifteen yers then next followynge, and his mr. (master) to teach hym his occupation aforesaid, and to fynd hym according to the custome of the said towne, and to paie his said apprentice in the end of the said terme twenty shillings.

Law Court, held 21st of April, in the 31st year of Elizabeth.

It is agreed that the bouchers, &c., shall not sell any victualles in the market after V. of the clocke between Michelmas and our Lady-day in Lent in the wynter, and after VI. of the clocke betweene our Lady-day in Lent and Michelmas in the Somer, and of the victuales lyfte to sell at that houre Mr. Maior to sell the same to the powre or others that will buy at a reasonable price.

Monday, 26th May, 31, Elizabeth.

John Norrys, of Barum, foresaid, merchant, sworne uppon the holy evangilies of God, saith uppon his oath that he this deponent was present and did betroth Nicholas Wichehalse the elder and Letice Deymon, daughter of John Deymon, of Barnstaple, and was an earnest deale betwene the parties concernynge the same, and that the said Mr. John Deymon, in the presence of this deponent and dyvers others whose names this deponent now certenly remembreth not, did promise to pay unto the said Nicholas Wichehalse fiftie pounds in consideration of the marriage to be had and solempnised betwixt the said Nicholas and Letice, but the certen tyme when the promise aforsaid was made, neither when the said fiftie pounds should be paid this deponent, doth not now certenly remember.

Law Court, 28th July, 31st Queen Elizabeth.

Mem.—That Thomas Middleton, of London, moved by charitie, &c., did geve to the powre of this town, to the use hereunder wreten, £6 13s. 4d., which is delyvered to Mr. Robert Prouze, Maior of the said towne, and he hath sealed and delivered to the said Mr. Middleton a bill testifying the receyte thereof whose forme followeth in these words: Be it known to all men by these presents that I, Robert Prouze, Maior of the towne of Barnstaple, in the Countie of Devon, merchaunt, have receyved of Thomas Middleton, of London, merchaunt, the some of £6 13s. 4d., of lawfull money of England of his mere gift to the use, purpose, and intente hereafter expressed. That is to say, the said Thomas Middleton, his will, purpose, meaning, and intente is, that the said £6 13s. 4d. shall be by the said Robert Prouze or his assignes employed in the Somer tyme or the Sprynge of ths yere in woode or coalle at the best hand that he or his assignes or any of them shall

procure the same, and at so reasonable a price as he or his assignes or any of them may procure the same convenyentlie, and the same woode or cole by hym or his assignes so procured and had, the next wynter followynge the said Robert Prouze or his assignes or any of them shall sell the said woode and cole agayne unto the poore inhabitants of the said towne of Barnestaple without takynge any reward agayne, profitte, or advantage by the said woode or cole, so as the said £6 13s. 4d. may be resceyved for the woode or coles sold, and to be employed from yere unto yere to the use of the powre inhabitants of the said towne of Barnestaple for ever by the discression of the said Robert Prouze and his successors, Maiors of the towne for ever. In witnesse whereof the said Robert Prouze hath put his hand and sealle the first day of June in the 31st yere of the raigne of our Soveraigne Lady Elizabeth, by the grace of God of England, Fraunce, and Ireland, Quene, Defender of the Faith, &c.

At the Sessions held before James Bulteel, Mayor, James Welsh, Knight, Deputy Recorder, George Baker and Richard Harris, Aldermen, 13th October, 15th James 1st.

Walter Hearder, Robert Norman, John Marells, Phellis Snowe, wife of Richard Snowe, William Slowley, Thomasine Pitton, were committed to prison because they brewed and sold ale without licence.

It is ordered by the Court that Thomas Kynnick, the apprentice of Robert Michell, barbor, for his mr's (master's) ill usage of him, be freely and absolutely freede, discharged out of his mr's service and apprenticeship.

Item.—It is ordered by the Court that no regrator shall buy any fruit within the town, brought to the town and market to be sold, till after three of the clock in the afternoone, upon the market daies, nor any apples or other fruite that shall be brought into any barque or bote to be sold till after toowe daies from the crying thereof, nor within toowe daies from the same shall be openly cried about the towne to be sold.

Item.—It is ordered that no person shall buy any barley in the markett and convert it into malte until after four of the clock in the afternoone.

At this Sessions Symon Lake, Patrick Snowe, and three others, were committed to prison for regrating of fruit.

The jurors present that Roger Rowe kept a shuffle-board contrary to the statute.

15th November, 15th year of James.

Roger Rowe having been committed to prison for keeping a shuffle-board and abusing the constable, there to remain until he find sufficient sureties for his good behaviour, having stayed in prison two days, upon his submission and promise not to offend so again and finding sureties, was released by Mr. Maior.

THOMAS WAINWRIGHT.

Grammar School, Barnstaple, February 6th, 1879.

NO. VIII.

Selections from Vol. 3 (Continued).

At the sessions held 9th February, 15th James I., Richard Delve, weaver, was charged with having on the 18th of October last past, namely, in the 15th year of King James (it will be remembered that the year ended on the 24th of March at this period), kept a house for playing cards, and that, on the same day, John Downeman, tailor, John Shapland, tailor, and John Lyle, feltmaker, were found playing at cards, contrary to the statute

Item.—That Roger Rowe, on the 26th of November, kept a house for playing cards, and that Roger Rowe and William Horsey were there found playing.

Item.—That George Jewel kept a similar house, on the same day, and that Nicholas Voysey was there found playing.

Item.—That Robert Witheridge, on the 2nd of November, kept in his house a game called tables, and that William Hill, tucker, and John Shapland were found playing.

Item.—That John Mills, feltmaker, received into his service Robert Myles and Samuel Nichols without passes.

John Savage and George Browne are charged with the same breach of the statute.

Nicholas Davy is charged with not having attended church for some time.

John Lypscombe, John Downeman, sen., and John Donne are accused of being common drunkards.

March 23rd, in the 15th year of King James, Laurence Allar, Allan Brooke, John Smale, John Cooke, jun., being sworn to inspect a cask of herrings exposed for sale in the market, and state whether they are fit for human food, declare, on their oath, that they are unwholesome.

Thomas Branckley, Philip Hearding, James Reede, John Smale, being sworn to inspect four pieces of pork exposed for sale in the market, and state whether they are fit for human food, declare, on their oath, that they are unwholesome.

The jurors in the above two cases, with the exception of Allar, who signs his name in a bold clear hand, make their marks, which are of a very peculiar character.

At the sessions, held the 20th of April, 20th James I., it is ordered that no person shall buy any barley in the market and convert the same into malte, until the 24th daie of August next.

Peter Stevens, who kept an alehouse, was committed to prison for breach of the assize of ale.

James Beaple, son of Robert Beaple, was admitted as a freeman. Sureties: George Rooke and Richard Burgoyne; he has a son named Robert.

Fulk Downe and Simon Amory are charged with having brewed ale, and sold the same by the barrel and kilderkin to persons not licensed to tipple (sell by retail), viz., one barrel to Wm. Slowley and one barrel to Maria Lancey.

The jurors present that the highway at Waytowne, in front of the tenement of John Drewe, is muddy and full of ruts *(lutosa et profunda)*, to the hurt of his Majesty's subjects.

They also present that the highway between Gorwill and Maydenford, along the holding called Buggwell, in the tenure of George Gay, is muddy and full of ruts.

It is also ordered and decreed, and the courte at this present sessions doth surpasse, discharge, and restrayne Philip Coles, a malte maker, from makinge of malte as a superfluous malte maker.

At the sessions, held on the 1st of May, 3rd Charles I., William Voysey is appointed skavinger, and is to have the soyle and dung in the streetes, except that dunge which shall be brought out of men's houses, to be carried away with all speede.

The jurors present that the chimneys of Margaret Rowe, John Peard, Pentecost Doddridge, and others are ruinous and dangerous to the neighbours.

And that John Gribble keeps a bowling alley *(spheristerium)* contrary to the statute.

And that Mr. Pentecost Doddridge allows his gutter in Holland Street to be out of repair.

At the Law day, 7th October, 14th James I., seventy-one butchers are fined because they had brought to the market sheep without the fleeces on.

At the Law day, held for the election of mayor, aldermen, and other officials, between the hourse of 9 and 12 a.m., on the 11th of of August, 15th of James I., the following were appointed:

Mayor, James Bultell.

Senior Alderman, George Baker.

Junior Alderman, Richard Harris.

Justices of the Peace, Mr. Mayor, William, Earl of Bath, James Welsh Knt., the two Aldermen.

Recorder, William, Earl of Bath.

Deputy Recorder, James Welsh Knt.

Coroners, George Baker and Rd. Harris.

Clerk of the Market, Mr. Mayor.

Chamberlain, John Peard.

Town Clerk, Seneschall, and Clerk of the Peace, Thomas Davye.

Receiver, Roger Beare.

Constables, John Hamner, John Penrose, Rd. Medford, Arthur Neele, Nichs. Long, Robert Furlong, Edmund Mayne, Hugh Wynpenye, Wm. Chambers.

Collectors of rents, John Collibeare and Richard Burgoyne.

First Sergeant at Mace, Richard Leight.

Second Sergeant at Mace, William Voysey.

Searchers of the market, John Friende, Humphry Norwood, Daniel Tricker.

Wardens of the Long Bridge, George Gay, Wm. Comyn.

Water Bailiffs, Thomas Davye and Robert Light.

Bailiffs, none appointed.

Hog keepers, George Hugh, David Joanes.

Scavenger of the long Bridge, John Furlong.

Bell ringer, John Furlonge.

Watcher for strangers, William Voysey.

Scavengers of the Quay, Thomas Rule, David Joanes.

Sealer of hides (not appointed).

Weigher of wool yarn, Walter Keall.

Examiner and sealer of woollen cloth (not appointed).

The 22nd of October, 1617.

David Gaman did make his covenant with John Mill for one yere from the feast of All Saints' next, and the said John Mill did promise to give him meate, drink, and apparell for that yere, and in the ende of the yere to give him 20 sh. for his wages also, in the presence of Mr. Mayor and the Aldermen.

At the sessions on Monday, the 9th of Feb., 4th Charles I., John Gubb, of Pilton, husbandman, bound in £20. Wm. Prouse, of the same, gentleman, £10. John Barnes, of Barum, turner, £10. For the appearance of the said John Gubb at the next sessions. The cause is for being taken in a very suspicious manner in the house of Mary Cadd and Michall Gubb, being a house famed and vehemently suspected to be an house of Bawdery, and was not able to give a good accompte of his beinge there.

John Nott, George Wills, John Jackson are fyned at 3s. 4d. for sitting tipling, or to be sett by ye heeles 4 howers, and Symon Collingscott to pay 10 sh. for sufferinge yem to typle in his howse.

William Norman is injoyned to discharge his servant, Crispian Folland, of his service between this and Whitsunday next, and he the said Crispian by that time to departe ye towne.

At the sessions, held on Monday, the 11th of October, the 6th Charles I., John Davie, of Barnestaple, gentleman, is bound in £40. Robert Handford, of the same innholder, £20. Philip Morecombe, of the same yeoman, £20, for the appearance of the said John Davie at the next sessions. The cause is for that James Hill, one of the constables of the towne of Barnestaple, having by Mr. Maior's order sett one Martyn in the stocks for drunkenness, he the said John Davie taxed Mr. Maior, and the then said constable, for injustice, saying they had donne more than they could justifie.

Item.—Whereas Mr. Maior, the second of July, 1631, having commanded one John Bulhard, a stranger, to be sett in the stocks for refusing to paie for 4 oaths, which were testified against him, and for two others which were sworne in the heareing of Mr. Maior, and being drunk in the view of Mr. Maior, he the said John Davie, in rayleing and reproachful manner att the High Cross, in Barnstaple, in the heareing of very many, taxed Mr. Maior for injustice, saying that he had done basely to sett the said offender in the stocks, and that he had done more than he could justifye.

Item.—For that the saide John Davie being sent for by Mr. Maior to answere for the said misdemeanour, and being required by Mr. Maior to tarry and not departe until he had given in sureties for his good behaviour, he the said John Davie, notwithstanding, in contemptuous manner, departed without Mr. Maior's leave, and without giveing surety for his good behaviour, and for divers other unsemely words by him uttered unto Mr. Maior himselfe.

Simon Lake, for regrating of pease, fined 6s. 8d.

William, of Exeter, for regrating of pease, ditto.

John Parsons, for forestallinge and regrating of 6 waigh of coale, the 15th of Feb., in the 5th year of Charles I., fined 6s. 8d.

It is ordered by ye courte that no maulster whatsoever within the borough and parishe of Barnstaple shall convert any barley into mault except Richard Harris, brewer, and Robert Hickett, and they only to make barley maulte for pryvate men, but not to sell any barley mault to any person whatsoever until they shall have speciall lycence from Mr. Maior so to doe uppon payne of severe punishment, to be inflicted according to ye law uppon every one that shall offend or doe contrary to this order.

It is likewise ordered that the following persons shall be suppressed from making any kind of mault, namely, William Baker, Nicholas Cooke, Robert Bond, Dorothie Gorwill, and Robert Hooper.

At the sessions, held on Monday, the 10th of January, in the 6th year of Charles I., John Thomas, committed to prison as the reputed father of a base child . . . . of one Margaret Jones.

Fined for regrating apples and other fruits: George Dier, Pathericke Snowe, Simon Lake, William, of Exeter; John, of Exeter; Richard Incledon.

Fined for breaking the assize of bread: Oliver Geale, Wm. Prince, Wm. Weale, Philipp Weale, Joan Burch, widow, Charles Jetson, Wm. Pugsley, John Coall.

For keeping of shuffle-boards: Ezechiell Dawe, John Skitche, Simon Coliscott, Wm. Voysey, Richard Horwood, John Harris, taylor.

For buyeing pease and selling them in the same market: Wm., of Exeter; Simon Lake.

For forestalling 4 bushells of wheat: Philipp Waye.

For broken pavements: John Averye (daye is given between this and Midsummer to amend it uppon peyne of 10 sh.), Thomas Cawsey, Robert Wetheridge.

For a founderous gutter in Boman's Lane: John Kinge, Wm. Bughen, Richard Beaple, Roger Hunt.

For a noysome place neere the Corn Markett, James Beaple.

For bad mantles (chimneys), Robert Norman, Ellyn Tucker.

For being common drunkards, John Raleston, Wm. Quicke, Robert Towte, Peter Takle, Rebeeca Bowden, George Quicke, Tobias Quicke, John Martyn.

For keeping dangerous buldoggs or mastiffs not muzzled, Robt. Witheridge, Wm. Hill, Lawrence Thorne, Walter Maye, Philip Bowyer.

THOS. WAINWRIGHT.

Barnstaple Grammar School, February, 1879.

NO. IX.

Selections from Vol. 3 (Continued).

At the sessions, held Monday, 18th April, 7th Charles I., Wm. Starlyng indicted for using the trade of coopering, being never apprenticed to that trade. Indictment quashed by the court for an informality.

Richard Lovering, Robt. Mathews were indicted for using the art or mistery of a goldsmith, being never apprenticed to the trade

John Dorrington similarly for using the trade of a weaver.

Thomas Lake similarly for using the trade of a felmonger.

Buchers presented the next law day for not bringeing the sheepe skinnes to the markett hangeing to the flesh, John Hartnoll, Pascho Hearding, and the rest.

George Frost, of Barnestaple, baker, was indicted the last sessions for that he, the 14th day of April, *ano. dni.* 1631, sold unto Hope Vicary, of Barnestaple aforesaid, widow, one penny white loaf, weighing five ounces and noe more, for a penny.

Wm. Warde was presented for dressing a shoulder of mutton on Friday, the 4th February, 1630.

Barnestaple, the register of horses and mares bought, sold, and exchanged in the ffayre there holden on the feast day of the Nativitie of our Blessed Virgin Mary, the 8th day of September, in the fowerth yeare of our Sov'eigne Lord Charles of England, &c. Tolls for ev'y horse, mare, or colt 8d., viz., for record 4d., and for custome 2d. a peece of the buyer and seller.

For ev'y bullock 2d., viz., 1d. a peece of the buyer and seller; for ev'y pigg 1d. a peece; for ev'y sheepe 1d. a peece; for ev'y calfe 1d. a peece.

Thomas Garland, of Mort, sold unto John Pell, of Woostree, one bucke colt, colour browne baye, with a slit in the neare eare, price 43s. John Combe, Ilfracombe, knoweth the seller.

Abraham Hearson, of Tawton, sold unto Wm. Earle, of Biddiford, one black mare, with a hitch in the near ear, price 33 sh. John Dillon knoweth the seller.

Henry Puggesley, of Bratton, sold unto Walter Thomas, of South Molton, one little bay nagge with a square halfpenny under the farther ear, price 27 sh. The parties know each other.

The total number of horses disposed of at this fair was 44; six were exchanged; the prices of two are not given; the remaining 36 average £2 os. 0½d. each, the highest price paid being £4 5s. for "one bay nagge" sold by Wm. Mare, of Fremington, and the lowest 10s. 6d. for "one little nagge" sold by Richard Mule, of Tawton.

At the fairs in the other years the business done was as follows:

	Horses Disposed of.	Average Price.	Highest.	Lowest.
		£ s. d.	£ s. d.	£ s. d.
1629	39	2 9 8	7 0 0	9 0
1630	97	2 9 9	5 2 0	9 0
1631	60	2 19 8½	6 9 0	14 0
1632	26	2 16 2	6 0 0	13 4
1633	33	3 5 0	8 16 8	17 0
1634	29	2 18 0	5 0 0	18 0
1635	21	2 1 10	4 10 0	4 8
1636	17	2 15 7	3 18 4	1 6 0
1637	22	2 19 1	5 10 0	19 6
1638	31	2 18 0	7 10 0	19 0
1639	36	2 14 0	4 10 0	18 0
*1640				
1641	9	2 14 5	5 6 0	13 0
†1642	3			
1643	2	1 15 6	2 0 0	1 11 0
‡1644				
‡1645				
‡1646				
1647	46	4 3 4	5 6 0	15 0
1648	5	2 14 0	5 0 0	1 1 0
1649	37	3 15 10	7 10 0	1 7 0
1650	17	4 5 8	7 5 0	1 0 0
1651	12	3 16 0	5 5 0	1 0 0

* Not entered.
† No prices given.
‡ No entries during these years of Civil War.

In addition to the above horses the following cattle also sold at various fairs are recorded:

Richard Thomas, of Swansey, sold to Thomas Merchant, of Tawstock, 2 Welsh oxen, collored blacke.

George Coates, of West Down, sold to John Lee, of Combe Rawley, 8 heifers, black like; price £30 10s.

George Harris, of Marwood, sold to Henry Voysey, of Temple, 2 black oxen, topp cutt on the farther eare, price £13; the buyer takes the seller's word.

John Eller, of Rober, sold Jno. Hobbes, of South Molton, 2 heifers and one steward; the steward black, and the heifers, one red and the other rugged, price £6 13s. 4d.; buyer takes the seller's word.

	£ s. d.
A red ox sold for	4 3 4
Two oxen for	10 0 0

The extracts taken from this third volume of the Borough Court Records of Barnestaple will probably surprise many persons by the evidence afforded of the strict government of the borough in the sixteenth century. It is often imagined that in those times a much greater degree of individual freedom existed than in the present days. It will be found, however, that this was not the case. In one respect a great difference did exist. Centralisation was unknown; there was no need to refer to "the Court above" to settle a borough's

affairs, but each community managed its own business, and in this respect it may be doubted whether an improvement has been effected in local government by this "enlightened age." The greatest number of offenders will be found to have been charged in connection with beer; those who were convicted of the illegal sale of that beverage, of its immoderate consumption, of its adulteration, or of charging a higher price than that allowed by the "assize." The most frequent punishment for these offences was a fine, usually much higher than that inflicted for such matters in the present day; but in cases of drunkenness the offender was often sentenced to be "sette by the feete," without the "option of a fine." It will be observed that, on several occasions, maltsters were forbidden to convert barley into malt without the license of Mr. Mayor, this being when a scarcity of grain was apprehended, the reason alleged for the prohibition in 1623 being that barley was likely to become the chief food for the people for that year. Barnstaple, it appears, was not free from "scolds" in the olden time. These unhappy women had a terrible punishment awaiting them: the dreaded cucking stool. Seated in this chair, placed at the end of a long beam, which was fixed at the centre to an upright post, so as to move horizontally, they were three times lowered into the Taw, emerging each time, it may well be imagined, with the most indignant countenances and gestures, greatly to the delight of the assembled crowds. Few Barumites would miss seeing the "cucking of the scolds," and without any doubt the whole youth of the town would be present. On the day after the three scolds were thus treated, in the year 1633, worthy Mr. Thos. Branker, the master of the Grammar School, "Ye Schole house in ye Charnell," would have a heavy reckoning to settle with his "mitching" pupils, for he believed in Solomon, and was, withal, a stalwart man and irate. Many men, afterwards leading characters in the town and neighbourhood, would be amongst the pupils of the learned father of a yet more learned son, the famed mathematician, Mr. Thos. Branker. There would be some of the Chichesters, John, the son of the minister, Mr. W. Downes, Ezekell and Theophilus, sons of the Puritan Thomas Gribble, Ed and Rob, sons of Hugh Wichehalse, a member of the refugee family, whose principal dwelling was Lee Abbey, Lynton, the younger Thos. Horwood and his cousin Richard, Joshua, son of Geo. Hearson, James, the son of Philip Hartnoll, William, the son of Culpeper Clapham, and many other familiar names. Some few individuals will be found in this volume to have been fined for non-attendance at their parish church on Sundays and holy days, but only a very small number, compared to those recorded as thus amerced in the records of many other corporations. A very strict supervision was kept over taverns and other places where gaming was carried on. Persons will be found to have been fined for playing at cards, bowls, shuffleboard, and other games. This was, perhaps, not done entirely in the

interests of public morals, but partly as a means of trade protection, for we find, in 1542, certain games prohibited by an Act of Parliament (33 Henry VIII., cap xi.), procured by the bowyers, fletchers (arrow makers), stringers, and arrow-head makers, who found archery interfered with by other amusements. By the "Acte for mayntenance of Artyllerie," unlawful games were prohibited, such as "Logating in the fields, slide-shrift, otherwise shove grote"; no one was to "keep a common house or place of bowling, coyting, cloyshe, cayles, half bowle, tennys, dysing, table or carding, or any other manner of game prohibited." Profane swearing was punished by a fine, the usual tariff in Barnstaple being 1s. per oath, irrespective of the social position of the offender, there being then no sliding scale, such as was fixed by 19 George II., cap xi., sec. 1, by which a common day labourer was amerced 1s. for thus offending; every other person under the degree of a gentleman, 2s.; and every person of or above this degree, 5s. The punishment of offenders who ate, or in any other way dealt with, flesh meat in Lent, and at other prohibited times, may occasion surprise when it is considered that these courts were held from half-a-century to a century-and-a-half after the Reformation. These prohibitions were, however, rather economical than religious regulations, dictated by a wish to keep down the price of meat by diminishing its consumption, and also by an anxiety about "preserving the navy," that is, keeping the fishermen and seafaring men in full employment, so that they might be ready on an emergency to help the State. In the early part of Queen Elizabeth's reign a marked desire was displayed for the still greater encouragement of the fisheries, and the ancient fish days were restored, and that compulsorily. These were defined to be every Friday, Saturday, "Embering" days, Vigils, and the days of Lent; to these Wednesday was subsequently added, at the instigation of Cecil, a great promoter of this policy. This latter day was, however, withdrawn from the list in the 27th year of Elizabeth's reign. Persons eating meat on fish days were to pay for the first offence 10s., for the second 20s., and to suffer imprisonment. No flesh was to be killed on those days, none was to be dressed by any innkeeper, recognisances being taken from butchers, brewers, tipplers, and other persons, that they would not violate these regulations. Another large class of offenders was, it will be found, that of forestallers and regraters. These were persons who bought or bargained for any corn, cattle, or other merchandise by the way, before it came to the market to be sold, or who bought and sold in the same market, or by any other means enhanced the common price of goods. These were usually punished by heavy fines. The concluding pages of this volume are filled with a register of the horses, and, in a few instances, the cattle sold at the annual fairs from 1629 to 1651, with the omission of 1640, 1644, 1645, 1646. The fair was held on September 8th, the feast of the Nativity of our Blessed Virgin Mary, or when that festival

occurred on Sunday, on the following day. This fair drew buyers and sellers not only from parishes from all over North Devon, but also from remoter districts. Among other places from which buyers came are found Kirckly (Lancaster), Lyfton, Bristol, Sampford Courtenay, Milverton, Thornbury, Exeter, London, Stratton, Hawkridge (Somerset), Launson (Launceston), Seaton, Lanruddean (Wales), Morebath, Mumbles (Wales), St. Gerrans (Cornwall), Whiteson (Cornwall), Winsfard (Somerset), Tavistock, Temple (Cornwall), Dunster, Combe Raleigh, Cheddar (Somerset), Camelford, and Padstow. A reader of this register of the Barnstaple fairs will be amused by the concise and phonetic manner in which the names of many parishes are spelt; as specimens may be given: Fristock, Egsford, Cunsbery, Chimly, Wemry (Wembworthy), and Woolsry. It cannot fail to be observed also, by anyone acquainted with the district, what a stay-at-home people the North Devon agriculturists are. Names familiar at this time in connection with certain parishes are to be found there in Queen Elizabeth's days and ever since. From the specimens given of the fair entries, it will be noticed that the seller of an animal had to give a "surety" for his trustworthiness, unless "the parties knew each other." The marks on each animal are always given, the most common were those cut in one of the ears, as a halfpenny, a square, a slit, a "topp," a stubb, a hitch, a snip, or, in some cases, there were brands on the buttock, as letters, or a horseshoe. The circumstance that will excite most attention in connection with these sales is, without doubt, the low prices at which the animals were disposed of. Even when due allowance has been made for the difference in the value of money, horses must be pronounced to have been astonishingly cheap at that period. This, it may be presumed, is to be accounted for by the fact that, although, as mentioned above, buyers from a distance appeared occasionally, yet, as a rule, they came from the parishes of North Devon only, and the business was, therefore, greatly restricted by the difficulty and expense of removing them, when roads were little better than rutty lanes, and railways were not.

THOMAS WAINWRIGHT.

Grammar School, Barnstaple,
Feb 11th, 1879.

NO. X.

Additional Extracts from Vol. 3.

Pass given to a Soldier.

Gevynge youe to wete all and singler her ma'tie's officers, whatsover authorised that I, Sir George Bowser, Knight, Captayne of one hundred foote men, hath preste into her highness paye for her ma'tie's present service the bearer hereof, George Downe, as a souldyer under my leadynge, Requyringe you all and sing'ler her majestie's officers to suffer the said George Downe quyetlie to pas from hence this her highnes Realme of England unto the Realme of Ireland without any Let, Interuption, molestacion, stay, or trouble in any wise, as as youe and every of you will aunswere the contrarie at your perill this requyrynge you all as aforesaid to helpe, aid, and favour hym therein as youe may not feall this. Witnes my hand the Xth of Februarie, 1587. (Signed) G. Bourcher.

Sir George Bourchier was the second son of John Bourchier, first Earl of Bath, and father of Sir Henry Bourchier, fifth Earl of Bath, who died in 1654, when the title became extinct. Sir George took a very active part in the fighting in Ireland during many years; in 1575 the Lord Deputy in a letter to Burleigh describes the behaviour of Captain George Bourchier as every way answerable to his noble descent, and the Earl of Essex in the same year asks for preferment for his cousin George Bourchier having severed seven years. He married Martha, daughter of William Lord Howard of Effingham, sister of Charles, Earl of Nottingham, and died in Ireland in 1605.

Without the Option of a Fine.

At the Sessions Court held on Monday, October 13th, in the 15th year of the reign of James the First, 1617, Walter Hearder, Robert Norman, John Marells, Phellis Snowe, wife of Richard Snowe, William Slowley, Thomasin Pitton were committed to the prison of our said sovereign because they had brewed and tippled (*i.e.*, sold) ale without a license.

Sales of Horses at the Fair.

A few of these sales have been given in No. VI., but as it is interesting to learn from what districts buyers and sellers attended the fairs and the prices paid for horses in various years, further extracts will be made:

1628. John Hugh *alias* Knight, of Goodleigh, sold unto Digory Punsford, of Rattenford (Rackenford), one dun nagge cut in the further eare, price 55 sh. Amos Ford knoweth the seller.

William Mare of Fremington sold unto John Dunscombe of Crediton one bay nagge branded in the farther buttocke with a horse-shoe, price £4 5s. 0d. The parties know each other.

William Blake of Chiltonhampton sold unto John Ballamey of Stover a baye mare with a half peny and a slitt in the neare eare, price 43sh. 4d. Roger Blake of Chittington knoweth the seller.

John Maye of Somebridge sold unto the aforesaid John Ballamey one little roane grey nagge with a stubb in the farther eare, price 26sh.

Richard Mule of Tawton sold unto Richard Wyse of Northam one little nagge slitt in the neare eare, price 10sh. 6d. William Fairechild of Tawton knoweth the seller.

William Barber of Instowe sold unto Thomas Axford of Lifton one bay mare with a spade in the further eare, price 33sh. 4d. Amos Ford knoweth the seller.

Thomas Barne of Tawton Epi sold unto John Gey of Rokebery one bay mare, top cutt in the neare eare, price 4 marks. Amos Ford knoweth the seller.

Josephe Kelley of Martin Hoe sold unto Phillipp Ley of Instowe one little blacke nagge with three white foote with a half peny uppon the neere eare, price 45sh. 6d. Richard Hancocke of Sherwill knoweth the seller.

Mathewe Brooke of Clovelly sold unto John Pine of Burrington one little sorell nagge, topp cutt in the neare eare and a slitt in the farther, price 54sh. 8d. Hugh Dennis Upoostree knoweth the seller.

Henry Westacott of Tawton sold unto John Vicary of Sampford Courtney one bay nagge with a little starr, price £3. The parties knowe each other.

Richard Reymer of Tawstocke sold unto John Westway of Shagbord one gray negge, slitt in the neare eare, branded with a Brandizo, price 40sh. Walter Bretton, weaver, of Tawstocke, knoweth the seller.

George Davye of North Molton sold unto Thomas Axford of Lyfton one gray nagge with a stubb in the neare eare, price 34sh. 4d. The parties know each other.

Amias Paslowe of Arlington sold unto John Saunders of Clovelley one gray mare, top cutt in the further eare, price —. Amos Ford knoweth the seller.

John Somerwell of Sombridge sold unto Hugh Clark of Saint Giles one black nagge with a slitt in the farther eare, price 50sh. Robert Nott of Somebridge knoweth the seller.

Roger Tanner, of Somebridge, sold unto John Ballamey of Stoverd one little browne nagge with a half peny uppon the farther eare, price 20s. 6d. Nich. Squier of Sonebridge knoweth the seller.

John Brayley of Fremington sold unto William Jule of Heigh Bickington one bay nagg with a square half peny uppon the further eare, price 44sh. 6d. The parties knowe each other.

John Bishopp of South Molton hathe exchanged with Walter Symon of Rackingford a taddie woo mare for a little bay nagge with a white face, and Bishopp hadd 10 sh. boote.

John Quicke of Braunton in the county of Devon sold unto George stephen of Broadworth Kelley one blacke nagge slitt in the neare eare, price £3 5sh. The parties know each other.

John Deye of Sombridge sold unto Thomas More of Dolton one little bay mare, topp cutt in the further eare, price 20sh. The parties knowe each other.

Thomas Snowe of Stoke Rivers sold unto Thomas More of Dolton one little baye mare, topp cut in the farther eare, price 20sh. Mr. Staveley of West Buckland knoweth the seller.

Sampson Pollard of Ockington bought of Alexander Martin of Sombridge one dun mare with a slitt in the neare eare, price £3 10sh. The parties know each other.

John Cocke of Braunton sold unto Arthur Holmore of Greate Torrington one white nagge with a hitch uppon the farther eare, price £2 8sh. Anthony Bery of Braunton knoweth the seller.

Christopher Rugge of Trimchewe sold unto James Somerwell of Sombridge one ire (iron) gray nagge stubbed under both eares, price £3. The parties know each other.

John Bellamye of Stoverd exchanged with John Ruddicliffe of Bishopp Nimpton one pinshutt nagge colour blacke for a little blacke nagge, top cutt in the farther eare, and a ob. (halfpenny) in the neare. John Bellamey giveth 13sh. 4d. to boote.

Arthure Serjante of Kirchbe in Lancaster sold unto Richard Chapple of Ilfarcombe in the county of Devon one greye geldinge, snipt in the bottome of both eares, price £3 2s. 6d. The parties knowe each other.

Thomas Axford of Lyfton exchanged with Henry Upcott of Tawstocke one blacke nagge with a white face for a blacke nagge with a half penny under the neare eare, the said Upcott giveth 25sh. to boote. The parties knowe eache other.

Walter Hartnoll of Marto (Morthoe) sold unto George Slocombe of Lankey one little black mare with a slitt in the neare, 26sh. price. The parties know each other.

Thomas England of Bristoll sold unto Richard Lyssett of Newport one browne baye mare, top cutt in the neare eare, price 10sh.

John Chollocombe of Ilfardcombe sold unto Henry Hart of Hunshoe one white nagge top cut in the farther eare, price 20sh.

John Burden of Buckland Brewer bought of Humfrey Ley of Burrington one greye mare, price £3 10s. 6d. The parties know each other.

John Esworthye of Little Torrington sold unto William Pulsworthy of Fremington one little bay nagge with an ob. (halfpenny) under the neare eare, price —.

Richard Pyrrin of West Downe sold unto Thomas Looman of Greate Torrington one white mare with a hitch uppon the farther eare, price 32sh.

Ciprian Downe of Newton bought of Richard Peard of Braunton one gray nagge with a stubb on the neare eare, and a slitt in the farther, price 29sh. Richard Gosse of Braunton knoweth the seller.

Frauncis Symons of Braunton bought of John Symons of Sombridge one little bay mare top cutt in the neare eare, price fower marks. The parties know each other.

John Vicary of Sampford Courtney in the county of Devon bought of Oliver Harris of Marwood one little roane mare, top cutt in the neare eare, price 43sh.

Edward Frye of Dulverton in the county of Somerset bought of Mary Richards, wife of Henry Richards of Kentisbery, in the county of Devon, one little chestnutt nagge slitt in the farther eare, and a spade cutt in the neere eare, price 40sh. The parties knowe eache other.

THOS. WAINWRIGHT.

North Devon Athenæum, Barnstaple, October, 1899.

NO. XI.

Register of Horse Fairs (Continued).

The accounts of the years 1629-1649 may be passed over as offering little of interest, but those of the two years 1650 to 1651 will be given, as they show the rise in prices caused probably by the demand occasioned by the Civil War:

1650. John Sweete of Georgeham sold unto Edward Warren of Yarnescombe a black nagg, a slitt in the neare eare and halfpenny under, price £3 7s. 6d. John Wilkey of Fremington pledge.

John Slee of East Downe sold unto Augustin Radmore of Brishford a pide mare ring eied, half penny upon the near eare, price £3 5s. John Thorne of Marwood pledge.

Humfrey Langdon of Barnestaple sold unto Richard Dunscombe of Ringsaishe a ireon gray nagg, topp cut in the farther eare, price £3 13s. 4d. Christopher Hill pledg.

Robert Bowden of Alverdiscott sold unto Timothy Waymouth of Tawstock a gray mare and a colt, R.B. in the neere buttock, price £7 5s. The buier takes the seller's word.

Ralph Whitefeild of West Downe sold unto Humfrey Morgan of Chumley a black horse colt, a stubb on the neere eare, price £2 3s. 6d. The buier takes the seller's word.

Roger Cookesley of High Bray sold unto John Shapcott of Tyverton a roane mare which with a white face, price 20sh. The buier takes the seller's word.

John Richards the elder of Pilton sold unto John Willmotts of Dolton one bay mare, £4 18s. The buier takes the seller's word.

John Ridmore of Goodleigh sold unto Robert Lamprey of Braunton a chestnutt nagg, a half penny under the neere eare, price £4 17s. The buier takes the seller's word.

William Lerrewill of Arlington sold unto George Clement of Ilfardcombe a sorrell nagg marked with the letter C in each buttocke, price £4. The buier takes the seller's word.

William Lewes of Tawton Epi sold unto Richard Udy of Greate Torrington a gray nagg, stubbed under the neere eare, price £6 13s. 4d. Anthony Heddon of Swimbridge pledge.

Richard Dunscombe of Rings Aishe sold unto William Vicar of South Molton a ire gray nagg, topp cutt in the neere eare, price £4 2s. 8d. Henry Steadman of Nimett Rowland pledge.

William Gibbs of Fremington sold unto Henry Baker of North Molton a browne bay mare, a white starr on the forehead, price £3 5s. Henry Stevins *als* Gregory of Fremington pledge.

Thomas Hodge of Braunton sold unto Thomas Langdon of Great Torrington a roan black blind nagg, price £1 12s. George Pyne pledge.

Stephen Clarcke of Braunton sold unto Hugh Goold of Swimbridge one iron gray nagg, farther eare stubbed upon, price 26sh. George Ayer of Goodleigh pledge.

Jacob Sloley of Newton Tracey sold unto Roger Hill of Egsford one black nagg, a halfe penny under each eare, price £5 13s. 4d. Christopher Tracey of Bideford pledg.

Abraham Cudmore of Alverdiscott sold unto Willian Kelland of Chittlehampton a sorrell nagg with a white starr in the forehead, price £3 17s. The buier takes the seller's word.

Henry Cliverdon of Weare Gifford sold unto John Hill of Chawley a gray mare, slitt in the farther eare, signed with a T.S. in the neere buttock, price £5 15s. John Burch of Trennshow pledge.

William Walters of Barnestaple sold unto William Bowden of Loxbeare one black nagg, price £2 12s. William Kingdom of Barnestaple pledge.

1651. Nicholas Crocker of Marwood sold a black bay mare, slitt in the farther eare, unto Humfry Stote of Ramsley, price fifty-seaven shillings. The buier takes the seller's word.

John Scampe of Braunton sold unto Edmund Ball of Munckley a gray mare, topp cutt in the neare eare, price forty shillings. Robert Dennis of Braunton pledge.

John Curry of Yarnescombe sold unto David Fosse of Chumeley a black nagg, a halfpenny under the farther eare, price £4. Mathew Lovebone of Yarnescombe pledge.

William Fowler of Lankey exchanged a sorrell mare for a bay nagg with William Fisher of South Molton, 10sh. in exchange.

William Bale of Marwood sold unto Henry Quick of High Bickington a chestnutt-coloured mare, price £3 5s. The buier takes the seller's word.

Phillip Walter of George Ham sold a bright bay nagg unto Richard Priddice of Braunton, price £5 5s. Phillip Walter of George Ham pledge.

Thomas Phillipps of Braunton exchanged a bay nagg, tappt in his neare eare, with Thomas Rendall of Comb Martin, a white nagg, a halfpenny in the further eare, 2sh. in exchange.

Phillip Hilton of Bideford sold unto Samuel Boole of Torrington a white nagg, a half tuke in the farther eare, £3 14s. 10d. price. Robert Are of Bideford pledge.

Daniel Fosse of Chulmeley sold a black nagg, a halfe penny under the farther eare unto John Paunstone of Sherwell, price £3 3s. 4d.

Mr. Robert Dennis of Bideford sold a browne bay mare, a starr in the forehead, unto Frauncis Heale of Chumeley, price £3 13s. 4d. The buier takes the seller's word.

Thomas Bragg of Berrynerber sold a browne bay nagg (noe marke) unto Nicholas Dennys of Braunton, price £4 15s. The buier takes the seller's word.

John Earnestt of Ilfordecombe sold a surle (sorrel) nagg, a stubb upon both yeares with a black list, unto Joane Nickels of Wesley, price five pound. The byer takes the seller's word.

Other animals sold were:

1630. One red steer £3. One brown steer £2 10s.

1632. Two Welsh oxen coloured black, sold by Richard Thomas of Swansey to Walter Brand for £6.

1647. Two brown steers £6 5s. Two heifers and one steer, £6 13s. 4d.

THOS. WAINWRIGHT.

North Devon Athenæum. Barnstaple, October, 1899.

NO. XII.

Extracts and Selections from Vol. 13 (Continued).

Perhaps the most curious of the Presentments at Courts of Frankpledge and of Grand Inquests during the period comprised in this volume were those for entertaining strangers. It has been seen that publicans were by the tenor of their licences under restrictions on these matters; but the following order goes further, as do also the regulations of the early byelaws, which will be given hereafter:

21st May, 18 Charles II.—It is ordered by the Court that no person or persons do receive or take into his or their howse or howses any inmate or inmates on pain of forfeiture of ten pounds for every offence, and that all and every inhabitant within this Borough do put away the inmate or inmates out of their howses which they have already received, before Whitsuntide next, on pain of forfeiting of ten pounds for every offence.

The numbers of persons presented for breach of this order was very numerous, of which the following are instances:

October, 1688.—The jurors, etc., on their oaths present that Henry Bale has taken into his howse a certain Thomasin Lisset, a stranger.

They doo present Leonard Edwards, for receiving George Tracy, of Northam, and his family.

Ib. Cornelius Cliffe, for receiving a tinner, who came from Ireland *(stanarium ab Hibernia)*, and his family.

Ib. George Down, for receiving Thomas Downe, his brother.

Ib. John Shepheard, for receiving Thomas Sterry, with his wife and 2 boys.

Ib. William Merrick, for entertaining of inmates, viz., a man and his wife, nameing himself John Collett, who hath been warned to appear before the maior and hath promised to depart out of the town, but takes no notice of his promise, but doth still continue in the town, and sayth that he does use the trade of a glover, and they believe he doth intend to continue in town.

Frequently the names of the inmates appear to be unknown:

The jurors, etc., present, etc., John Shepheard, entertaining a woman and two children.

Thomas Bowen, entertaining a man.

David Odam, a woman and a child.

George Bow, entertaining a man.

Honoria Bowden, for receiving into her howse 3 strangers, to the great injury of her neighbours.

In other cases the strangers are themselves presented:

15th Jan., 1671.—John Bowen, of Freemmington, lodging at Margaret Kidmore's.

A maide of Bideford, at Mary Thomas' howse, which said Mary intends to take as an apprentice.

Thomasin Lissett, keeping howse in the Green Lane.

Anthony Page, of Exon, with John Jones.

A strange servant with Ezekiel Lee.

A strange maide servant with Thomas Price.

A man with William Wokeman (and eight others).

Some elucidation of this apparent inhospitality and interference with domestic rights is shown by the following:

25th April, 1670. Forasmuch as information is given this Court that Edward Slee hath received into his howse a woman that is a stranger, and several children, and doth permit and suffer the said woman and children to remain and continue in his howse, so that they may in time become chargeable to the inhabitants of the town. It is therefore ordered that the said Edward Slee do pay weekly unto the Churchwardens and Overseers of the poor five shillings for each and every week that the said woman or her children do continue in his howse, unless they depart within or at the end of one week after notice given him of this order. And if the said Edward Slee do not perform this order, the Justices, etc., on complaint to call on him to answer the contempt, etc.

Another form of interference with the liberty of the subject, probably to prevent future charges on the parish, is shown in the following:

9th October, 1671.—On complaint made to this Court that Edward Score, of Pilton, has sett his howse in Barnestaple to one Henry Barnacott, who lives in the same, and is in danger of becoming chargeable to the parish of Barnstaple, it is ordered that the said Edward Score do remove the said Henry Barnacott out of his howse, or in default thereof the said Edward Score be rated for his howse ten shillings per mensem towards the relief of the poore of Barnestaple, for so long time as the said Barnacott doth continue in the said howse.

On the other hand the Mayor occasionally made orders to take back servants and others who had been improperly dismissed:

It is ordered that John Gribble do receive into his howse and service Elizabeth Mills, his apprentice, and that the said Elizabeth do return to her master and serve out her apprenticeship.

These were not all the duties undertaken by the mayor and aldermen. The punishment of immorality in all its forms, the good

order of the town, and the removal of nuisances, were looked after as closely now as in the earlier periods, of which specimens have been previously given:

> Mary Phillips is by the Court committed to the house of correction for having a base child, and is there to continue and be dealt with according to law.
>
> James Gould, the younger, who was bound at the last Sessions, appeared upon his recognizances, and, the justices having since made an order for the maintenance of Mary Phillips' bastard child, of which the said James is the reputed father, and the said James refusing to obey the order, the Court have committed the said James to prison for his refusal.

There are frequent recognisances to the same effect. The presentments, if not attended to, were always followed up by orders at subsequent Courts, and if they were not obeyed, the delinquents were amerced in small fines, or, as seen above, dealt with more sharply.

A family named Slee appear frequently in the Courts, and seem to have been a rather bad lot:

> Edward Slee the elder swears that he is afraid that Edward Slee the son, and John Cornwall, will cut this deponent's throat, or cast him into the fire, and had threatened they would do so, and make a fire brand of him.

Upon which J. Cornwall retaliates by laying information "that on Wednesday last Edward Slee the elder did prophanely swear three score and ten oaths," and Edward Slee the younger also charged the elder with cursing, for which he was as usual fined. Appended is a note:

> Edward Slee paid 1s. for swearing, which was delivered to Humphrey Calender, one of the overseers of the poor.

At the next Sessions Edward Slee the younger was indicted for receiving into his house a woman who was a stranger, and several of her children, and was ordered to pay 5s. weekly to the overseers of the poor for each inmate so long as he should keep them. The upshot of the matter was, as shown in another place, "Edward Slee is to be committed in default, etc., for abusing P. Gamon in the office of constable."

The presentments of the above character, as also the following instances, certainly show a rather loose code of morality then prevailing, and that language, as well as actions, were rather coarse:

> George Hill, for keeping of a tipling house in the Greene Lane, being unfit for him, and the place unfit likewise.
>
> Leonard Edwards, that he did on the 8th October drink six cuppes of ale in the said house, for which he paid sixpence, and did spew it up again in the same place. They doo present that at the same time the said Leonard Edwards did swear six times (by God).

At the next Sessions one Walter Heaward was indicted for having composed a song against one William Cooper, who was quietly walking in Maiden Street, to the effect "that he was a rogue and a Jesuit, and was one of them that sold the Crown, against the peace of the King and the safety of the Corporation," etc.; and at the same time Roger Jeffery is charged in very prolix and stilted language, with having libelled and insulted the alderman by saying, "Thou art a turbulent justice, thou toad, thou divell, I hope to see thee burn in hell," etc.

What may be termed paternal supervision over the ordinary concerns of life was then tolerated much more than would now be acquiesced in, but it must be borne in mind that statute law then bore a very small proportion to the law of usage or immemorial custom, and the distance, both actual and in point of time, from the royal or central authority rendered any interference with local prerogative and the stringent byelaws made by the local authorities very difficult. Some selections from the Court Records in this volume will show that the town was well looked after in these early days as regards social and domestic affairs. It has been too much the habit to fancy that our ancestors did not trouble themselves about sanitary matters, and we, with our modern Health of Towns Acts, rather arrogate to ourselves superior intelligence on those subjects; but it will be seen from the local records of two centuries since, which are given rather full purposely, that they were looked after quite as closely, and at far less expense to the inhabitants, than at present. It was then the duty of each individual not only to attend to the sanitary arrangements of his own premises, but to the paving and drainage of the streets adjoining them, and this duty appears to have been strictly enforced.

The presentments and charges are not only of the most varied character, but, looking at the small population of the town, are in unexpectedly large numbers Taking one court only at random, there were presented thirty-nine for tippling and breaking assize of beer; twenty-eight for regrating; forty-eight for offences by butchers, woolsellers, bakers, and other trades; thirty-five for ruinous walls and pavements; and a great number for miscellaneous offences, of which specimens are subjoined. The principal complaints as to public or street nuisances were for founderous and broken pavements in the streets and highways (describing the place and persons liable), and for dangerous walls, choked drains, and filthy gutters, for which, and especially the pavements, there are generally from fifteen to twenty presented at each court, showing that it was then the duty of householders to keep the paved streets in repair as far as their premises extended. Then came the more private nuisances, such as "filthy cesspits, foul smelling closets, noisome dunghills, choked watercourses, dangerous walls, broken penthouses and railings, byld-

ings out of repair, projecting walls and encroachments," besides many special ones, from which the following examples are selected:

For allowing tippling during Divine service.
For bringing bad corn to Market.
For stopping a footway or passage from High Street to the Quay.
For being a common disturber of the peace.
For selling wool in the Kay Hall, and not in open market.
For blocking up highways by selling clome and earthenware.
For having forges and fireplaces without tunnels or mantles (chimneys).
For bringing the brass bushel into contempt.
For permitting pigs to wander in the streets.
Woolstaplers, for not bringing to the market sheep skins annexed to the flesh, and butchers for blowing the flesh which they bring to market.

The various local authorities come in for their share of attention from the Courts of Frankpledge and Sessions:

They present, etc., the Town, that they have not repaired the Tollswell house, the fish shambles, and the walls of the Quay
" " the Town, that they allow dangerous penthouses.
" " Ib., for not repairing Pilton Bridge.
" " the Town, for defect of the Bedell, for not looking after and routing the beggars out of the town, as used to be done in olden time.
" " D. Peard, one of the constables, for permitting J. Williams, who was committed into his custody to be conveyed to prison, to go at large. (For this he was fined 6s. 8d.)
" " the coal wardens, that they did not deliver coal at the Bridewell for the relief of the poor there.

The measurers and supervisors of the Assize of Bread and Beer also are occasionally presented for neglect of duty. Sir John Chichester, the lord, was several times presented for letting his mill get out of repair, and was in one case fined 20s. In the greater number of these cases they were fined various sums from 3s. 4d. to 20s.; in others bound over in sureties; and in some indictments were ordered. General orders sometimes appear as follows:

It is ordered that each of the persons presented for dangerous houses and walls do repair and amend the same before Christmas next, and if they be not so repaired before the time aforesaid, then the constables do take down as much as is dangerous.

Ordered by this Court that Jenkin Williams do remove the forge in his house, and build a sufficient chimney or tunnel on this side the 21st October, and if not, etc., the constables doe cause the said forge to be drawn down.

Also ordered that Christopher Seldon do pluck down the chimney and also so much of his house called the Labour in Vain, as is dangerous to the King's liege subjects, before the 20th November, on pain of forfeiting 6s. 8d., and the constables then to draw down the same.

Where the charge was, as often occurred, for lodging manure, timber, or goods of any sort upon the quays or streets, a very effective remedy was provided by orders that in default of removal any freeman of the borough might remove it for his own use, or in case of dung and rubbish, "that then the scavenger do from time to time remove and carry away the same and employ it to his or her own use."

In May, 1671, the authorities adopted the new Highway Act of 22nd Charles II., which was a permissive Act, a long and special order appearing on the subject, and thereby substituting a rate for the previous personal liability of occupiers of houses. This rate, as also the poor rate, and appeals as to inequality of rating and the relief of the poor, was generally a fruitful source of work for the mayor and justices. The first grievance appears to have been generally dealt with in a very rough and ready method.

Ordered on complaint of Oliver Harris that he paid too much to the poors rate, that 2d. each week be taken off his house and put upon John Collibear's house.

The relief of the poor was also provided for by special orders of Court, as cases presented themselves.

It is ordered that the overseers of the poor do pay on Saturday weekly to Stephen Whinnett's wife, for relief of herself and children, 2s. 5d.

Upon complaint made to the Court that Wilmot, the wife of Oliver Collibear, is in great want, it is ordered that the overseers do pay unto William Collibeare, with whom the said Wilmot doth now inhabit and lodge, 18d. weekly towards the subsistence of the said Wilmot until such time as further order shall be taken therein.

Some orders rather savour of interference with domestic life:

7th September, 1667.—It is ordered that Hugh Headon do from henceforth give and pay to Thomasin, his wife, a reasonable and convenient sum of money for and towards the relief of the said Thomasin, and if he refuse or neglect so to do on notice to him given of this order, that then a warrant do issue forth from this Court to apprehend him and to carry him before a justice of this town, who is desired to bind him over by recognizance with sureties for his appearance at the next General Sessions of the Peace to answer for such his refusal or neglect.

The following month one Lewis Mudd was ordered to pay his wife Elizabeth the weekly sum of eightpence, to be paid her every Saturday during their joint lives.

One or two other extracts are given before putting aside this interesting volume.

Ordered, "That no person inhabiting within the town do at any time receive into his house, before or in the market time, any corn or grain, on pain of 10s. for each offence."

That no miller do buy any corn in the market on pain of 6s. 8d. for each offence.

That no bakers or malt-makers do buy any corn or gain in the market before the second time of ringing the bell, on pain of 6s. 8d. for every such offence.

Humphrey Snow, refusing to take the Oath of Allegiance, is committed to prison.

J. R. CHANTER.

NO. XIII.

Selections from Vol. 14.—Court Proceedings.

These records of Courts of Frankpledge and Sessions, which are still presided over by the Mayor and Seneschall, differ from the previous ones in being confined mainly to appointments to offices, with the forms and declarations used at the period. Most of them have original signatures, and also contain many notices as to the interference with Corporations which took place after the Restoration, during the short reign of James II., and the religious tests which were then introduced. These are all well known and commonplace matters of history, but it may be interesting to see how our borough was affected by them.

26th August, 1684.—At the Guildhall was Mr. Mayor, served by John Cawsey of Bideford with Quo Warranto, tested 18th June, 36 Charles 2nd.

In September a surrender passed the seal of the Corporation, by consent of capital and common burgesses.

In October a new charter was granted, and passed the great seal.

4th November, 1684.—The several persons hereunder named were this day sworn into their several offices and places, having first taken the several oaths, and made subscriptions, according to statute, immediately after the reading of the Charter (here follow thirty-six names, and afterwards follows a long list of free Burgesses, comprising among others, Sir Arthur Chichester, Sir Bourchier Wrey, Sir John Roll, J. Roll, Esq., John Garland, Esq., Francis Bassett, Esq., Henry Chichester, and Sir Richard Hooper).

In the first year of the reign of the semi-popish James II., there first appears the declaration, which henceforth is regularly continued up to the reign of Queen Anne:

> I do declare that I hold there lies no obligation upon me, or any other person, from the oath commonly called the Solemn League and Covenant, and that the same was in itself an unlawful Oath, and imposed upon the subjects of this Realm against the known laws and liberties of the kingdom.

In the first year of the reign of William and Mary, 1689, and thereafter, the following additional declaration is entered on the minutes. and signed by the burgesses:

> "I do solemnly and sincerely, in the presence of God, profess, testifie, and declare, that I do believe that in the sacrament of the Lord's supper there is not any transubstantiation of the elements of Bread and Wine into the body and blood of Christ, at or after the consecration thereof, by any person whatsoever, and that the Invocation or adoration of the Virgin Mary, or any other Saint, and the sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous; and I do solemnly, in the presence of God, profess, testify, and declare, that I do make this declaration, in the plain ordinary sense of the words, read unto me as they are ordinarily understood by English Protestants, without any evasion, equivocation, or mental reservason whatsoever, and without any dispensation, already granted to me for this purpose by the Pope, or any other authority or person whatsoever, and without any hope of any such dispensation from any person, or without thinking that I am, or can be, acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope or any other person should dispense with or annul the same, or declare that it was null and void from the beginning."

24th January, 1695.—The election of Henry Wickey and Benjamin Baller was void, for that they "had not taken the Sacrament, according to the usage of the Church of England, within twelve months before."

Just at the end of James's reign there was another interference with the Corporation by letter mandatory delivered to the Mayor, 4th April, 1688:

> At the Court at Whitehall, the 29th January, 1687.
>
> By the King's most excellent Majesty, and the Lords of his Majestie's most honourable Privy Council.
>
> Whereas, by the Charter granted to the borough of Barnestaple a power is reserved to his Majesty to remove from their employments any officers in the said borough his Majesty in Council is pleased to order. It is hereby ordered that Nicholas Hooper, Deputy Recorder; Hugh Marshall and William Wakeman, Aldermen; Nicholas Lee, Richard Barnes, Christopher Hunt, Thomas Seldon, Nicholas Cooke, Richard Lee, Nathaniel Cox, and John Law, Capital Burgesses; Thomas Rossiter, Town Clerk; be and they are hereby removed and displaced from their aforesaid offices and places in the said borough of Barnstaple.

Then followed this writ:

James R———, Trusty and well-beloved, we greet you well. Whereas we have thought fit to remove Hugh Marshall (specifying the names as above) from being Capital Burgesses of our said Borough. We have thought fit hereby to will and require you forthwith to elect and admit our trusty and well-beloved William Venn and George Musgrave to be Aldermen; John Hooper, Henry Frayne, Thomas Gay, Benjamin Bawler, George Hanmer, Richard Cornish, and George Larkin, to be Capital Burgesses of our said Borough, in the room of those above mentioned, without administering to them any oath or oaths, with which we are pleased to dispense in this behalf, and for so doing this shall be your warrant, and so we bid you farewell. Given at our Court at Whitehall, the 30th January, 1687-8, in the 3rd year of our reign.

By his Majestie's command,

SUNDERLAND.

Borough of Barnstaple.

The Corporation appears to have been perverse, as the following correspondence ensued:

London, 17 April, 1688.

Sir,—By letters communicated by Mr. John Jones, as also by conference with him, the gentlemen concerned in the regulation of Corporations are informed of the perverse temper of several of your Magistrates, and that they have disputed his Majesty's mandate, the consequence of which, it is likely, will be the dissolution of your present Charter, and the granting of one to those that will pay more reverence and obedience to his Majesty's commands. Herein there is no reflection upon you, for by all the accounts given you have acquitted yourself as became an honest, prudent man. Matters will be so ordered that your New Charter will be very little changed to you, and therein there will be such a constitution as will, I suppose, be to the satisfaction of the town in general, and if any inconvenience happen to any they must thank themselves for it—'tis but the fruit of their own obstinacy. This I thought good to advertize you of, and to remain, sir,

Your affectionate friend and servant,

EDW. ROBERTS.

To Henry Ravening, Esq., Mayor of Barnstaple.
(These) Barnstaple, Devon.

London, May 29th, 1688.

Sir,—Inclosed I send you the King's order in Council for dissolving your Corporation. You have nothing more to do therein but to get the persons therein named to meet you at your Common Hall, and to read the order to them, and to the end you may have a Government settled to your content, and to the best advantage of the Town, you are desired forthwith, by the best and soberest advice you can get, to supervise the list given to Mr. Jones, which Mr. Paul Farthing hath the copy of, or can procure it for you, and if you find necessary to make any alteration therein, let such alteration be made. The list must contain the names, right spelt, of all that are to be inserted in your Charter, and to be wrought in the same order and method they are to be in that Charter. You are also desired to appoint a fit agent to solicit the dispatch of your Charter, which nothing shall now hinder but your own delay. I have no more, but that I am,

Sir, your affectionate friend and servant,

EDW. ROBERTS.

For Henry Ravening, Esq., in Barnstaple.

(These) Barnstaple, Devon.

At the Court of Whitehall,

The 18th of May, 1688.

By the King's most excellent Majesty, and the Lords of His Majesty's most Honourable Privy Council.

Whereas, by the Charter granted to the Town of Barnstaple, in the county of Devon, a power is reserved to His Majesty by His order in Council to remove from their employments any officers in the said town His Majesty in Council is pleased to order, and it is hereby ordered that Henry Ravening, Mayor; John Blacke and John Palmer, Aldermen; Francis Basset, Esq., Recorder; William Wescombe, John Stephens, Hugh Marshall, William Wakeman, Edward Rice, George Faircloth, John Peard, Richard Salsbury, John Hunt, Jeffery Baglehole, George Smith, Nicholas Gingar, James Kimpland, senior, James Kimpland, junior, John Hooper, Henry Frayne, Henry Hobbs, Benjamin Bawler, George Hanmer, Richard Cornish, and John Bowley, Capital Burgesses; Nicholas Hooper, Deputy Recorder; and Edward Rosier, Town Clerk; be, and they are hereby, removed and displaced from their aforesaid offices in the said town of Barnstaple. [It would appear that this order was disregarded, for at the Law Court held on November 8th Edward Rice is found to be mayor, and William Wakeman and Hugh Marshall aldermen, while Richard Barnes is elected mayor and Henry Ravening alderman for the next year, all excepting Barnes being among the list of those six months before ordered to be ejected. —T.W.]

In the beginning of the reign of Queen Anne, when times had quieted down a little, the Corporation appear to have turned their attention to extending the list of privileged freemen or free burgesses, as we find the proceedings of Courts to the end of this volume almost entirely confined to electing and swearing burgesses, principally sons and apprentices of freemen, in large numbers, but at most Courts a few appear to have purchased their freedom, sometimes for large sums, £20 and £10, and of all classes, and resident both in and out of the borough, *e.g.*, "John Hooper, de Tawstocke, in com. Devon, butcher, paid £10."

In August, 1707, there are elected sixteen, three members of the Rolle family, one of whom paid £10.

In October following twenty-three were admitted.

In September, 1710, for some reason, the Corporation adopted into the borough list almost all the leading men and clergy of North Devon, and in one day swore in no less than seventy-two new burgesses. It may be interesting to some to recount the names in the early part of this list, showing the gentry and clergy of the district at that period:

Denys Rolle, Armiger.
Henricus Incledon, Ar.
Robertus Lovett, Ar.
Ricus Hooper, Ar.
Rogerus Melhuish, Ar.
Denys Rolle, jr., Ar.
Edrus Pyne, Ar.
Josephus Davie, Ar.
Willus Harris, Ar.
Willus Barbor, Ar.
Henricus Downe, Ar.
Chris. Lethbridge, Ar.
Johannes Cutcliff, Ar.
Georgius Thomson, Ar.
Johannes Somers, Ar.

Saml. Thomson, Clericus.
Chichester Wrey, cler.
Willus Mervyn, cler.
Henricus Chichester, cler.
Bartholomeas Worthy, cler.
Johannes Somers, cler.
Will. Bamfield, cler.
Thomas Worth, cler.
Georgius Gregorie, cler.
Johannes Spooner, cler.
Johannes Richards, cler.
William Bear, cler.
John Hearden, cler.
Willus Mervin, cler.
Christop. Boyse, cler.
Cary Hoblyn, cler.
Anthonius Gregory, cler.
Franciscus Tucker, cler.
Thomas Earle, cler.
Ricus Horwood, cler.
Robtus. Luck, cler.

Then follow twenty-six described as gentlemen, and others as yeomen, mostly living in the several parishes and farms in the North of Devon. None of these appear to have paid any fine on admission, and there is no explanation of this wholesale addition to the voting power of the borough.

There is little further of general interest in this volume.

A general order, made 3rd December, 1678, and signed by all the capital burgesses, appears much ado about nothing.

We etc., do hereby revoke, annul, and make void all and every order, usage, custom, and byelaw heretofore made or used for giving buns by the Mayor for the time being on festivals and other days, and that none for the future be given or any allowance made for the same.

SPECIMENS OF TRAVELLING LETTERS, OF WHICH SEVERAL ARE ENTERED IN COURT BOOKS.

VOL. 12.—I, William Earle, of Marleburgh, have hereby authorised and deputed the bearer hereof, Robert Isaac, my menial servant, to follow my business and affairs in any part of this kingdom where occasion shall require; these are therefore to will and require each and every of you to whom these presents shall come to permit and suffer my said servant to follow my business and occasions as aforesaid without molestation, and that you forbeare to arrest, implead, sue, or imprison the said Robert Isaac, now and at all times hereafter, as you or any of you will answer to the contrary at your peril. Given under my hand and seale, the 25th day of March, in the 23rd year of the reign of our Sovereign Lord Charles the Second over England, etc., etc., *Annoque Domini*, 1671.

(Signed)

MARLEBURGH.

To all Judges, Justices, Maiors, Sheriffs, Constables, and other his Majestie's officers whatsoever.

Allowed at Barnstaple, April 13th, 1671.

VOL. 12.—Whereas, by the ancient custom and privilege of Parliament, every member of the House of Commons may protect his meniall servant during the sitting of Parliament, and the adjournments thereof. These are to certify you that the bearer hereof, William Ayloffe, is my meniall servant, whose services I am to make use of in divers special and weighty affairs during the Sessions of Parliament. You are therefore hereby required to forbeare to sue, arrest, molest, or trouble him, the said William Ayloffe, but to permit and suffer him to travel and go in and about my business from the City of London into the county of Devonshire, and from thence to return to me again (he demeaning himself civilly and orderly as he ought), as you will answer the breach and violation of the privilege of Parliament by doing the contrary thereof at your perrill. Given under hand and seal of me, Sir John Barneby, knight, one of the members of the honourable House of Common, the 28th November, 1670.

JOHN BARNEBY.

To all Mayors, Sheriffs, Bailiffs, Sergeants at Mace, Marshalls, men and other officers whom these presents shall or may in any way concern. Allowed this 24th January, 1672.

The foregoing specimens conclude the series of extracts from the bound-up volumes of records except Vol. 2, the receiver's accounts, which is deferred to a later period. The curious minutes of court proceedings may perhaps be again taken up when dealing with the loose and unbound papers, of which there is a great mass yet unsorted, many referring to the same subject, but before, for a time, leaving the judicial records, it may be well to notice the laws and rules which authorised and controlled the actions of the authorities in early days. These were not only unwritten traditions, and immemorial customs, but were reduced into writing in the form of ordinances and statutes or byelaws. Three series of such (previous to 1700) have survived the ravages of time and neglect. The earliest are undated, but are about four and a half centuries old, even then referring to ordinances and customs of a still earlier age. This very curious, and indeed almost unique, set of byelaws, which are in Latin, will be translated by Mr. Wainwright and given in the next number. The second is dated in 1585, and the third in 1690; both of these are very minute in their details, but varying much from each other. Of the more curious regulations contained in these extracts will be given in due course.

J. R. Chanter.

NO. XIV.

Court Proceedings (Continued).

The proceedings of three courts held towards the end of the year 1684 were so important, fixing as they did the character and personality of the Corporation for some time at this interesting period of our local history that they seem worthy of transcription in their entirety.

4th November, 1684.—The severall persons hereunder named were this day sworne into their severall offices and places, haveing first taken the severall oathes and made subscription according to the statute immediately after the readinge of the charter granted by his most graciouse Majesty to this borough and parish in the Guildhall there.

George Fairchild, a burgess, one of the twenty-four capital burgesses, Mayor, and one of his Majesty's justices of peace within this borough and parish.

John Bassett, Esq., a burgess and Recorder, and one of his Majesty's justices of peace.

Edward Rice, a burgess, one of the twenty-four capital burgesses, Alderman, justice of peace, and Coroner.

Edward Rosier, Town Clerk, Steward of the Leet, and Clerke of the peace.

6th November, 1684.—William Wescombe, John Palmer, John Stevins, Hugh Marshall, William Wakeman, John Blake, Nicholas Ley, Henry Ravening, Richard Barnes, Christopher Hunt, Nicholas Cooke, James Kimpland, James Kimpland, jun., Richard Salisbury, on the day next above written tooke the oathes and made subscription according to the statute, and were sworne burgesses and of the twenty-four capital burgesses.

Thomas Hawkes, burgesses and Serjeants at mace.

Thomas Nichols, a burgess and Receiver to the Mayor.

William Pope, Robert Oliver, John Williams, George Smyth, William Hooper, Richard Gread, James Sloley, George Perian, John Parminter, Edward Brooke, George Larkin, Constables.

Nathaniel Snow, Leonard Harrison, William Britton, Mark Blackmore, Searchers of the market.

David Swaine, Sealer of measures.

Thomas Holtrey, Sealer of weights and measures.

John Morgan and Samuel Pearce, Sealer of leather.

Richard Downeman and Dennis Wood, Collectors of the towne rents.

1st December, 1684.—John Peard and Thomas Jeffery, gentlemen, having first taken the oathes and made subscripcon according to the statute, were sworn burgesses and of the twenty-four capital burgesses.

14th March, 1684.—Sir Arthur Chichester, baronet, was then sworn a burgess. Thomas Seldon, having taken the oathes and made subscripcion according to the statute, was sworn a burgess and one of the twenty-four capital burgesses.

28th March, 1685.—Sir Bourchier Wrey, baronet and Knight of the Bath, Sir John Roll, Knight of the Bath, John Roll, Esq., John Garland, Esq., Henry Chichester, gentleman, John Lancey, John Brooke, Paul Lavercombe, William Dennis, Richard Downeman, George Parminter, John Horwood, Robert Gread, Richard Ley, John Facy, Richard Cornish, William Pawlyn, John Webber, jun., Nathaniel Cox, John Cuer, Nicholas Gingar, Nicholas Ley, jun., John Law, then sworn free burgesses.

Contested Election for the Recordership.

Barnestaple. A Law Court for the election of a Recorder of the Borough and parish of Barnestaple in the place of John Bassett, Esq., deceased, was held in the Guildhall of the said borough and parish on the 7th day of October in the second year of the reign of King James the Second, and in the year of our Lord 1686.

There were two candidates, Francis Bassett, Esq., brother of the late recorder (both sons of John Basset of Heanton Punchardon, the mother of Francis being Elizabeth, daughter of Arthur Acland of Bittadon) and Sir Arthur Chichester,* third baronet, M.P. for Barnstaple, 1713-1717. Of the twenty-four capital burgesses twenty voted, and fifteen of the votes being given in favour of Bassett, he was declared elected. The voters sign their names and write in a large, in some cases clumsy, but in all instances in a legible, hand. The burgesses who voted for Bassett were John Peard, mayor, William Wescombe, John Palmer, William Wakeman, Edward Rice, Richard Barnes, Christopher Hunt, Nicholas Cooke, Thomas Seldon, James Kimpland, James Kimpland, jun., John Hunt, Nicholas Gingar, George Smith, Richard Ley. The supporters of Sir Arthur Chichester were John Blake, Richard Salisbury, Hugh Marshall, Nicholas Ley, and John Law.

Thomas Wainwright.

Barnstaple, 1899.

* He built the present house at Youlston on the site of the older mansion erected by Sir Hugh Beaumont in 1516. The estate of Raleigh, which had belonged to the Raleighs and Chichesters for so many generations, and where the heads of those ancient families had resided for upwards of six hundred years, was sold by Sir Arthur to Arthur Champneys, a merchant, of Barnstaple, thence to Sir Nicholas Hooper, Sergeant at Law, etc.

NO. XV.

Early Borough Ordinances and Byelaws.

Know all men by these presents that we, William Hurtescote, Mayor of the Borough of Barnstaple, Henry Rydewyn, Thomas Hoper, Thomas Passeware, John Goldsmyth, Thomas Halle, Ralph Whyte, Richard Boghdon, Thomas Baker, Richard Row (John Tamwer in his stead), Ralph Cole, Henry Waghell, John Strete, Thomas Melkysham, William Rydewyn, John Stockhay, Walter Hayne, Richard Smyth (dead), John Mulys, John Londe, Richard Reep, John Sounder, Robert Holman, John Rogger, John More, and many others, with the assent and consent of all and each of their fellow burgesses of the borough aforesaid, have granted in good faith, and have ordained that all the ordinances and customs, both of ancient ordinance and modern custom, by the assent of the Mayors and community of the aforesaid borough heretofore made, shall hold good in the future, and that all the ordinances hereunder written shall be ratified by us and our heirs and assigns, and shall endure for ever, viz.:

First. Because of old custom it has been the usage to elect annually on the day of the assumption of S. Mary, before the Mayor and community of the aforesaid borough, on the oath of twelve burgesses sworn for this purpose, a fit and proper Mayor, who has always resided in the said borough, and four bailiffs, one sergeant, and one receiver, it is ordained and agreed by the same Mayor and community that no one shall be elected to the office of Mayor unless he has held the office of bailiff, and has proved himself in that office an able and serviceable man, and that no one shall be enrolled among the electors aforesaid unless he has held the office of Mayor, or bailiff, and that the twelve men sworn to the election of the officials above named shall be elected by the votes of the whole community aforesaid.

Also, if any loss or damage shall happen to the community through the default of the Mayor, or bailiffs, or other officials, by reason of their misdealing, negligence, or malice, it is ordained and agreed that each of them who may be in fault shall indemnify the community to the amount to be fixed by twelve burgesses sworn to this office before the Mayor and community aforesaid.

Also it is ordained for the improvement of the aforesaid borough, that on the day on which the new Mayor shall hold his first Court, twelve good and legal men of the better sort and of the more influential shall be elected for all and singular the following purposes, viz., to choose suitable wardens of the chapels of S. Nicholas by the Strand

and of All Saints, of the Barnstaple Long Bridge, and of the Church of SS. Peter and Paul [A note of this error in the name of the church is given below], and two constables of the better sort and the more influential; also one beadle for the service of the Mayor and the other officials or the collectors of taxes, to enable them to discharge their duties the more conveniently.

And that in future times no one shall be admitted to the freedom of the borough through favour or payment without the assent and counsel of the aforesaid twelve men or the major part of them, nor shall any important business touching the said borough be concluded without their consent or that of a majority of them.

And that the aforesaid twelve men ought in future to counsel and direct the Mayor, Bailiffs, Constables, Receiver, Wardens, and Beadles, and likewise the community aforesaid, when they shall have been requested as necessity has required.

And that at the end of the year, within the three months next after the holding of the Mayor's first Court, the said Wardens of the Chapels, of the Church, and of the Long Bridge, and also the Receiver of the Borough, shall render their account under a penalty of 40d., to be paid for the service of the borough, and that fines shall continue to be inflicted on them until they render their accounts.

Also because several of the more discreet and better burgesses have been wont to make default at the Mayor's Court and the Court for the election of the Mayor and other officials, it is ordained for the future that all those absent without licence from the Mayor who have had a summons of one night shall be fined in the sum of 6d. for each time of being thus absent, unless a reasonable cause be shown for the absence.

Also if anyone shall have drawn or carried arms against the peace, and thence caused a breach of the peace, he shall be fined 40d. for the use of the borough and forfeit the said arms; and if against the peace he has carried arms but made no breach of the peace, he shall nevertheless forfeit the said arms.

It is also ordained by the same Mayor and community that two men of the aforesaid borough shall be elected annually to look for forestallers and regraters of flesh, fish, and other victuals, and to arrest such persons and to attach their goods thus bought and sold in whosesoever hands and possession they shall be found, and to present their names and the goods aforesaid day by day to the Mayor.

And because in times past some Mayors of the said borough have interfered with the receipt and disbursement of the goods belonging to the Chapels of S. Nicholas and of All Saints, and also those belonging to the Long Bridge, beyond their term of office, it is ordained by the same Mayor and community that no Mayor or other official shall interfere after his accounts have been rendered with the goods aforesaid, and that those goods and arrears, received after their accounts are delivered, shall be placed in a chest in the custody of

three good men elected for the purpose, each of whom shall have a key, and that the funds shall be laid out by the direction of the community aforesaid.

Also because divers men of the said borough and the country around often complain that it happens at times that there is a lack of white bread or beer on sale, it is ordained that whenever this shall occur in future the bakers shall be fined collectively in the sum of half a mark as often as there shall be a deficiency of white bread, and the same when the white bread shall not be good and wholesome for the human stomach; and the brewers in like manner shall be fined collectively half a mark when there shall not be a sufficiency of beer for sale, the fines to go to the borough fund.

Also it is ordained that no one dwelling within the borough shall implead another except in the Borough Courts, unless it is a case of waste of any tenement or rent, or injury to life or limb, under a penalty of half a mark.

It is also ordained by the said Mayor and community that if anyone dwelling within the said borough shall commit an assault on the Mayor, or lay violent hands on him, which Heaven forbid! he shall be fined 100sh., of which the said Mayor shall receive 40sh., and the rest shall go to the borough fund.

And if anyone shall commit an assault on any bailiff, receiver, constable, or sergeant, he shall be fined 40d., and if on any churchwarden, beadle, or tax collector, or rate collector, he shall be fined 2sh., to go to the borough fund, and in every case shall pay assessed damages to the person assaulted.

And it is also ordained that the Mayor shall receive yearly for his gown 20sh., the receiver half a mark, and their clerk one mark, and the two wardens of the chapels of S. Nicholas and of All Saints, and their clerk one mark, and the two wardens of the long bridge one mark a year, for performing their office.

It is also ordained that if any burgesses shall disclose the counsel of the Mayor or the discussions held before the Mayor, or at any enquiries on which he is a juror, by which injury or detriment may accrue, they shall be accounted traitors and enemies of the borough, and shall lose their freedom, and not be eligible for election to any office in the borough.

It is also ordained that two of the Mayor's equals in position shall sit with him at his court, and that if anyone, having been duly summoned to this duty, shall commit default he shall be fined 12d.

It is also ordained that on the death or removal from the borough of any one of the twenty-four men chosen to elect the Mayor, another burgess shall be chosen in his place at the first Mayor's court held after the creation of such vacancy.

It is also ordained that as often as the Mayor shall seal any document with his official seal he shall receive a fee of 2sh., and the Mayor's Clerk and Recorder shall receive 8d. for registering the same.

Also if fire break out in anyone's house, and the flame is seen outside the house, the burgess in whose house the fire thus breaks out shall be fined [left blank].

This and wt. followeth is written in another hand and wth. another color. inke then wch. is before.

Hit is ordeyned and constituted by the Mayre of the borowe of Barnstaple, wt. all his brothryn, as well by all the Councell of the said towne, that the Mayre of the borowe foresaid for that time being shall have and receive yearely of the rents of the same towne seven pounds yearely, to be payd by the receiver for that yere beying, that is, to wete, yerely to have 53sh. 4d. for the robe of the said Mayre, wth. two robis more for his sargant and bedell, that is, to wete, 13sh. 4d. for the robe of the sergeant, and 6sh. 8d. for the robe of the bedell, and yerely to have 40sh. to mayntene honestly the 2 dyners at the two lawdays on the Saturday next after the fest of Saynt Fyde [S. Faith, October 6], the other the Saterday next after Hockeday, as it hath bene accustomed of old time, and at the said deners the said Mayre to have at his owne charges and costs the lordys, steward, and his clerk, and of his brethren such as hit pleased him, wth. the twelve men that day for the lordsworn. Item: 13s. 4d. yerely to have, maynten, and kepe the dener at the Sheero torn, wth. all other charges and costis as that yere schall fortune, except any yelt [gift] to the lorde or to any other man for the comyn welth of the said towne.

Item: It is engaged by the said Mayre and commalte of the sayde borowe, that the Mayre for that yere beyng, makyng three whole burges of the sayde towne, that is, to wete, baylyn the towne 40sh.; the same Mayre to have of the said 40sh., 13sh. 4d., payde by his recever in recompens of all other costis.

The foregoing borough ordinances are given from a document found among the borough records, written on six leaves of foolscap paper. With the exception of the concluding portion, they are in Latin, or, to speak more correctly, in words bearing a resemblance to Latin, but as the copyist was as loose in his orthography of Latin as in that of English, he has left a compilation that would astound and perhaps puzzle a Cicero, and which in many cases renders the meaning of a passage very obscure. There is no date given stating the time when these ordinances were established, but the name of the mayor affords a clue, and shows that they were made about the year A.D. 1425, as William Hurtescote was mayor of the borough in the years 1423, 1424, 1425, 1432, and 1434. It will be evident that this William was a man of high standing in the town, seeing that this honour was repeatedly conferred upon him, and it will be seen from one of the ordinances that the mayor was a person in no little consequence in the early part of the fifteenth century, for while a person for assaulting the churchwarden incurred a penalty of two shillings, anyone thus treating the mayor was mulcted in one hundred shillings, and, moreover, it was regarded as so heinous a

crime that the bare conception of an assault being committed on the mayor evoked the pious aspiration, "Which Heaven forbid!" The ordinance respecting the penalty imposed on the bakers and brewers whenever a sufficient supply of wholesome white bread or of good beer was not forthcoming is an additional proof how well the material interests of the community were looked after in the good old times.

The date at which the copy was written from which the above translation has been made, judging by the paper and style of writing, is a later one by certainly a century than the ordinances themselves; perhaps by much more. One point shows that the copyist altered, or, as he would suppose, corrected the manuscript; for, in accordance with an erroneous practice that had arisen in his days and still continues, he styles the parish church that of SS. Peter and S. Paul, instead of S. Peter, for such was the dedication in 1328, and so it is found designated in all the more ancient documents.

THOMAS WAINWRIGHT.

Grammar School, Barnstaple, March 8th, 1879.

NO. XVI.

The ordinances or byelaws made in the reign of Queen Elizabeth, 1585, have been preserved in a very perfect state, and are, for the most part in English of a very antique form of spelling. They form a single document, beautifully written on a large vellum sheet about fifty-seven inches by twenty-nine, having nineteen original signatures, originally with seals attached, all of which except two have perished. It is much more minute in its provisions than the previous code of 1425, and the whole is curious in language and matter; but as it is of great length, with much redundant verbiage, and would be tedious to reproduce in its entirety, a summary of the more formal provisions is given, with fuller extracts of all interesting passages and ordinances. The prefatory heading, which is in Latin, is translated, and the preamble given in full:

To the praise, honour, and glory of the all powerful God, to the renown and dignity of the Queen's Majesty, and to the happiness of the town and borough of Barnstaple, for the good government of the burgesses and other inhabitants of that town and borough, by the Common Council, on the authority of divers Charters and Liberties granted to the Mayor, Aldermen, and Burgesses of Barnstaple aforesaid, by divers Kings of England, and confirmed by our Queen that now is, the said Council having been frequently called together in the Town Hall to discuss the underwritten, they have been compiled with the greatest carefulness and labour (God aiding), and the regulations which follow have been at length finished and published there on the 20th July, 1585, and 27th Elizabeth. William Collybeare, Mayor, in the presence of me, Philip Wyot, Seneschall, as will be made manifest from the underwritten.

Preamble.—Forasmuch as this town of Barnestaple is an ancient borough and a free town corporate, indued with divers and many liberties, furnished also with sundry ancient and laudable orders, rules, and customs, for the supportation and maintenance of the same, which, in times past, not being used, practised, and executed so perfectly and fully as it ought or behoved to have been, this town was begun to fall into great ruin and decay, but now of late days, by reason that the same liberties, rules, and ordinances are oftimes put in use, a great part of this same town, thanks be to God, is reduced to a good state and amendment. Therefore, to the end that the same may the better prosper, continue, and have good success, and to the

intent that such things concerning the Corporation and liberties of this town as were before somewhat imperfect, obscure, and ambiguous, may be brought to better perfection, according to the Charters of the liberties of this town, granted by many of the progenitors of our Sovereign Lady the Queen's Majesty that now is "Kynge" of this realm, etc., etc. Wherefore now the Counsell of this town, after deliberate consultation, and by good advice, etc., have ordained, made, and established the laws, rules, statutes, and ordinances hereinafter enacted, etc., under the pains and forfeitures hereunder limited: First. Whereas discord and malice sometimes heretofore have been and hereafter may ensue, concerning the election of the Mayor and other chief officers of the town, for pacifying whereof this order of election is ordained, at the time and place limited for election of Mayor, the old Mayor and Aldermen there shall be in their "Romes," in the presence of the Common Counsell or the more part of them, shall advisedly and discreetly, without favour, affection, malice, or displeasure, nominate 2 such men of the Common Counsell as they shall think to be of ability, convenient and meet for the office of Mayoralty, whose names incontinently shall be written, located, and fixed on two pottes, therefore made as then and there has been accustomed, to be set in a certain place appointed for the same purpose, and every of the said Mayor, Aldermen, and Counsell to have one ball in their hands, and holding both their hands close, shall put one hand in the one potte and the other hand in the other potte, at one instant time, and letting his ball fall secretely in which potte he lists, shall take his hand out of the same potte open in such a wise that it may not be known to whom he giveth his voice, nor in which potte he put his ball, which being so done from the lowest to the highest, the same potte to be seen, that it may be known in whose potte most balls be, and moreover the said Mayor and Aldermen likewise eftsoons to nominate 2 other men of the said Counsell, whose names shall be written and set upon the pottes in like manner as it was done before concerning the first 2 names, and afterwards those 2 men's names having the most voices to be again the third time set severally in the pottes, and then at the last he in whose potte most balls shall be found shall be preferred to the office of the Mayoraltie for the next year following. Then follows the same complicated form of election for two "Auncyent and grave men of the Counsell" as Aldermen, and likewise for the election of Recorder and Council when and so often as the case shall require, "in such like order, manner, and form in everything as before is ordained for the election of Mayor."

Then come provisions for the past mayor to supply the room of the present one, if absent, and the same as to the aldermen, and if any

of the council are absent at any election "he shall forfeit for every default 6s. 8d.," but their votes were not in such cases to be lost or omitted, as the aldermen in turn were to have "preferment of his voice and ball, according to the auncyentie of their roomes."

Item.—It is ordained that, according to ancient custom heretofore used, all and every the burgesses shall personally appear and be present yearly at the time and place of election of Mayor, and also shall attend and do suit at the two after Law Courts, and any of them making default without licence of Mr. Mayor shall forfeit sixpence, to be levied to the use of the Corporation.

Item.—It is ordained that all inferior officers of the town, *i.e.*, the Chamberlayne, Town Clerk, Receiver, two Bailiffs, the Constables, two Servientes at the Mace, two Collectors, two Bridgewardens, the Skavenger of the Market, the Keeper of the Key Hall and the Keeper of the Shambles, the Keeper of the Key, and Keeper of the Yearne Beam, and all other officers shall be chosen by the Common Counsell, according to the Charter, and not by 12 men, any ordinance or usage heretofore had or made to the contrary notwithstanding. Power is then reserved to remove any officer, councillor, or burgess, "who shall happen to misuse himself" so that he is not worthy to be or remain in his office, and also to impose a fine, "or any other condigne punishment," if they so merit or deserve the same, for "unhonest behaviour, enormitie, disobedience, negligence, or other grievous offence."

Then comes a series of ordinances for admitting free burgesses, and for the fees to be paid by those claiming by birth or servitude, and enacting that none be admitted to enjoy the liberty of the town for prayer or price without the consent of the mayor, and that none but free burgesses shall retail any wares or merchandise, or keep open a shop window, before he have the license of Mr. Mayor and find securities, and none to set up any craft, mystery, or occupation without such license on pain of imprisonment.

A considerable portion of this record is then taken up in minutely defining the various courts to be held in the borough, and the forms to be observed and penalties for non-compliance to be inflicted, viz., amerciaments, fines, and imprisonment. One of the ordinances provides for what is a very unusual feature in local jurisdictions, viz., a Court of Conscience or Equity, somewhat resembling in form the French Conseille de Prudhommes.

Item.—It is ordained that if any variance, strife, or discord happen to arise between any of the burgesses upon any cause or matter of conscience, not being determinable by the order or course of the common law or courts aforesaid, so that the same concern no inheritance or freehold, then the party grieved may exhibit his bill of complaint in writing unto and before the Mayor and Aldermen, at certain days and times therein appointed (whereon Her Majestie's Court of Common Pleas within the town is not held), and the

defendant, upon commandment given by the said Mayor and Aldermen, shall come and bring in before them his answer in writing to the same bill of complaint, and there present depose that the same answer is true, and then the complainant shall reply in writing to the same answer, and immediately upon exhibiting such replication, as well the party complainant as defendant, shall choose and nominate either of them, two indifferent men of the Counsell of this town (which indifference to be adjudged by the said Mayor), to be sworn to do as much as in them lye to end and determine the said matter in controversy, according to Equity and Conscience, and the said 4 indifferent men shall declare and give up their award unto and before the said Mayor in writing, at the next Monday after they shall make the said award. But if the said 4 men, having taken some pains, and done their best endeavours to determine and end the said matters in variance, and can in no manner of wise agree, then the Mayor and Aldermen, as umpires, thereupon to examine and finally end the said matters, and to take such directions and orders as shall best stand with Equity and good Conscience; and if any of the said parties will obstinately or maliciously refuse or resist the same or the accomplishment of such order, whether by the said Mayor and Aldermen, or by the most part of them, as is aforesaid, that then the party so refusing, to be committed immediately to warde, there to remain in prison until he shall accomplish and perform the same accordingly.

A number of provisions for amerciaments and fines for various matters, such as not attending the courts when summoned, or going away without licence of the mayor, or not attending to presentments, or not doing suit, or finding sureties, or, for proceedings against a burgess in any other than the Town Courts without licence, are then set forth, but the authorities appear to have had a laudable fear of being overhauled by superior authorities, in the ordinance about writs of error.

Item for avoiding Writs of Error, Attainte and other such vexations and troubles between the burgesses, it is enacted that, if any of them happen to have injury or wrong (which God forbid) in any of their plaints, accounts, and suits, either by the jury returned and sworn to try any issue, or by misadventure, miscontinuance, or discontinuance of any pleading or record, suborning of false witnesses, or forging of evidence, or happen to have any wrong judgment, then the party aggrieved, duly approving the same before the Mayor, etc., shall have his remedy, and be restored to all his losses and charges sustained, and the offender or offenders shall receive such condign punishment and penalty as by the same Mayor, etc., be appointed for the same, to the intent the party grieved be not driven to sue any Writ of Error, attaynte, certiorary, or further proceeding in any other Court out of the town.

Item.—If any man draw any weapon in disturbance of the Queen's

peace, or bear any weapon to the intent to do therewith any hurt or trespass, or refuse to put down his weapon after commandment he shall be amerced for every such offence 13s. 4d., and also forfeit the same weapon.

Item.—If any make an assault and affraie upon the Mayor, he shall lose and incur the penalty of 100 shillings; and upon any of the Aldermen, or any that hath borne the office of Mayor 50 shillings; and upon the Receiver, or any of the Bailiffs, or Constables, 10 shillings; and upon the Sergeants-at-Mace, 13s. 4d.; and upon any other officer of the town 12 pence; and shall suffer imprisonment until such penalties be fully paid (one half in each case to go to the officer so assaulted).

Item.—If it happen all the bakers of the town to lack bread to sell according to the assize, then every of them to be amerced 6s. 8d., and likewise the brewers, if there be no ale to be had to sell amongst them all according to the assize, then every of them to be amerced 6s. 8d.

Item.—It is ordeyned that all such corn as shall happen to be left in the market unsold after 3 of the clock at afternoon, it shall be sold by Mr. Mayor, at such price as other corne of the same grayne was most commonly sold before in the same market day to such persons as will buy the same.

Many other, of what would now be called police regulations, follow, such as forbidding the laying of manure or ashes, filth, timber, stones, or other matters on the quays or streets, the "wynding" any corn or grain in the open streets, and allowing hoggs to run loose therein, and ordering every street to be made clean by persons who have houses next to the same, on penalties, much as at the present day, but by far the greater part of the ordinances are directed to matters treating on the dignity and privileges of the mayor and officials, and providing for their fees and remuneration.

Item.—It is ordained that, if any person or persons shall at any time maliciously declare, utter, or speak any opprobrious, vile, slanderous, unhonest, or unseemly word of the Mayor or any of his brethren that have been Mayor or Aldermen, and so to be approved by the verdict of 12 men sworn, or by the testimony of two indifferent witnesses, then every such, if a burgess, for such his offence and misdeameanour, is to be disfranchised and lose his liberty of the town, as well as pay such fine as shall be assessed by the Counsell, and any other inhabitant to suffer imprisonment for the space of ten days, and either to pay such fine as appointed, and to depart from dwelling any longer within the liberty of this town, or to suffer any other punishment according to the demerit of his offence, as by the Counsell shall deem meet.

There are sundry other venial offences for which burgesses were to be disfranchised, and other inhabitants or foreigners committed to warde, but the council carefully provide for their own safety by

a clause, "That the Mayor, for the time being, shall not commit any of the Counsell to warde without the assent of the Aldermen, or one of them at least."

Item.—It is ordained that the Mayor, for the time being, shall have for his pension 20 pounds in part of a recompense for the expenses and charge of his robe and dinners at the Law Courts, as accustomed, and the fyne of one burgess, if there happen to be 3 made during the Mayoralty, towards the expense of the Lord's Court, and that no Mayor shall be charged but with the common Counsell, the 12 men and other Officers of the Court at the dinner, unless he liste to will or bid any other to his dinner, as he thinketh well himself; and the receiver shall have for his fee yearly 6s. 8d.; the Town Clerk, 20s.; the first Serjeant-at-Mace, 13s. 4d.; the second Serjeant, 20d.; the Bridgwardens, 13s. 4d.; the keeper of the Shamells, 6s. 8d.; and the Mayor for setting of his seal of office, 6s. 8d., whereof the Aldermen to have the moiety; and the Town Clerk shall have for every writing recorded in the Register-book, 8d.; and the Bridgewardens for setting their seal to any writing, 4d.; and Mr. Mayor shall have for the expense of the dinners of the two Sheriff's Courts yearly 40s., and towards the expense of the dinner at the accompt day 20s.

Item.—The Mayor, for the time being, shall have of every one who is no burgess, that hath any plaint in the Queen's Majestie's Court, to be holden before him and the Aldermen, viz.:

Then follows a rather long table of fees for every proceeding in suits, both of law and equity, the last entry being, "It is further agreed, according to the ancient custom of the town, that the Mayor, for the time being, shall of every boat that bringeth coal to this town have one bushel of the same coal, and likewise of every boat that bringeth corne to this town to be sold, one bushel of the same corne."

J. R. Chanter.

NO. XVII.

Early Borough Ordinances (Continued).

The third series of laws and regulations before referred to, promulgated in 1690, although not so quaint in language and style as the previous ones, are much fuller and more elaborate, containing fifty regulations and enactments, very minute in their details, and providing for the most trivial matters. Some of the clauses are almost transcripts from the earlier code of 1585, and others have been continued to very recent times; some even appear in the byelaws of the present day; but most of them have fallen into disuse with the change of times and circumstances. It is, however, precisely these latter which are most curious and interesting, as showing the state of the town, the mode of government, and the habits and customs of the inhabitants two centuries since, and these will therefore be here given nearly in full, all the others being summarised only, or abstracts given:

Ordinances, etc., made by the Mayor, Aldermen, and Common Council (naming them) for the good government of the burgesses, artificers, and inhabitants of the said borough, and for a declaration in what manner and order they shall use, carry, and behave themselves in their several offices and business, and also for the further good and publick utility and government of the said borough in victualling of the same, and likewise for the better government, disposition, setting and letting of lands, tenements, and possessions, belonging to the said Mayor, etc., on the 24th March, 1689, by virtue of several letters patent heretofore granted to them as follows:

1. As to the election of Mayor.—In the same cumbrous manner, by ballot, and much in the same words as in the byelaws of Elizabeth's reign.

2 Election of Aldermen.—The same.

3. Election of Recorder and the other officers in their order, as before.

4 and 5. Regulations as to absence of Mayor or Counsell, with fines for non-attendance, to be levied by distress on their goods.

6. Regulations for electing Common Counsell men.

7 and 8. Provisions for admitting burgesses.—None to be admitted except conformable to the Church and State. First son of a burgess to pay for his freedom 1s.; the second son 2s.; every other son, and apprentices, 6s. 8d.; and all others 40s. at least.

9. None but free burgesses to carry on trades, or open shop windows (as before).

10. Fines on any persons not accepting offices.

11. All officers to account one a year, on St. Leonard's Day (6th November).

12. Freemen to be summoned twice before they can be arrested at any foreigner's suit (and other privileges in suits against them).

13. Powers to commit to prison in suits, and authority to the Mayor to take sureties.

14 and 15. Provisions for trial by jury, and exemptions of Common Counsellmen.

16. Provisions as to presentments and form of proceedings at Mayor's Court, with amercements and fines for several offences, and means of enforcing same.

17. Penalties of 3s. 4d. on capital burgesses, and 6s. 8d. on inferior burgesses, for not attending Courts, or departing therefrom without leave.

18. Also it is ordained that all they which bring corn to sell to this borough and market shall open their baggs when the corne market bell doth ring, that the inhabitants of the borough may be served, and that no other person having corne of his own shall buy any corne in the market for change of seed, unless he bring to the market the same day so much corne and sell the same as the price goeth, upon pain and forfeiture of double the value thereof.

19. Penalties for lodging unclean things in the streets, landing or lodging timber, stores, millstones, or other "purpressures," on the quays above forty-eight hours, upon pain of forfeiture to the use of the Corporation.

20. Provisions for the Mayor's and other officers' annual allowances.—The Mayor to receive as a pension and in part recompense for expenses of robe and dinners at Law Courts, £20; for the Castle Court dinners, £5 6s. 8d.; for dinner at the accompt day, £2 13s. 4d.; and also the fine of one burgess at his choice if 3 be made during his mayoralty. The Receiver to have for his fee yearly 6s. 8d.; the Town Clerk, 20s.; the first Serjeant-at-Mace, the benefit of the prison without rent; the second Serjeant-at-Mace, £4; the Bridge Wardens, 6s. 8d.; the Searchers of the Market, 4s. 4d.; the Mayor, for affixing the common seal or the seal of office, 2s., whereof the Aldermen to have half, and the Town Clerk for the same 8d.

21. The Mayor to see to all amerciaments and penalties incurred, and if he neglects "or be partial or forgive thereof," then he himself to be charged.

The remainder of the document consists of a large number of sumptuary, trade, and other laws and regulations, some of the more special of which are transcribed in full:

22. Also it is ordained that no person or persons shall winnow any corne, malt, or graine in any of the open streets of this borough

whereof any of the inhabitants thereof shall be hurted or annoyed, upon paine of twelvepence for every such offence, to be levyed by distress of the offender's goods to the use of the Corporation.

23. No person shall permitt or suffer any dung or filth to remain before his stable, against his wall or other house in the street or lanes within this town and borough above the space of eight and forty hours, upon paine of twelvepence for every such offence, and that then it shall be lawful for any person to take and carry away the same dung and filth and convert the same to his own use, and one or two persons for the same purpose (if need is required) shall be yearly appointed by the Mayor for the due examination of this order and to certify the names of the offenders in that behalf, and every street and lane in the town and borough shall be made clean by such as have houses or lands next to the same, every Saturday at least, upon pain of twelvepence for every such offence, to be levyed by distress.

24. No inhabitant of this borough shall receive any pack or packs of wares into his house brought here to be sold by any foreigner or stranger before the same be brought to the Key Hall (being the common market), upon paine of five shillings for every such receipt, to be levied by action of debt or distress.

25. No artificer to returne or receive into his service any stranger repairing to this borough and parish for his journyman or otherwise before he give knowledge thereof to the Mayor or the Constables, that he may be examined of his misdemeanor and his passport seen and perused, whence he came, upon paine of forfeiture for every such offence six shillings and eightpence.

26. That if any inhabitant or dweller within this borough shall, without licence from the Mayor and Common Councell, willingly or wittingly permit or suffer any foreigner or stranger to dwell, remaine, or continue here in any his or their house or houses, cottage, or tenement as an inmate or like to be chargeable to the said borough and parish, above the space of twenty days, except it be in case of dangerous sickness or for some other reasonable cause, to be allowed by the Mayor, Aldermen, and chiefe burgesses, that then every such person so offending shall lose and forfeit for every such offence the sum of ten shillings for every month, all and every which said forfeitures and penalties before in this and the next precedent order mentioned shall be levyed by the churchwardens and overseers of the poor by way of distress of the offender's goods, or else shall be recovered by action of debt, and the benefit thereof shall be wholly converted to for and upon the poor and impotent people of this borough and parish; and also it is hereby further ordered that the Mayor shall yearly make choice of two men in every street to inform him of all such strangers as come into this borough and parish to dwell.

27. That all such persons as shall bring any barques, pynaces, lifters, boats, or other vessels to this town and borough loaden

with any wares or merchandizes here to be unloaden at the Keys or Slips, shall, within a convenient time, unload the same, and then forthwith or at the next flood they shall withdraw their said vessels and lay off from either the said keys or slipps, so that other vessells that are loaden may come conveniently to the said keys or slipps with their loading to land the same, upon paine of ten shillings for every such default, and the barque or other such vessells or owners thereof to be attached and stayed for the payment of the same penalties, and all boats and other vessells comeing to the keys or slipps that do make use of ballast, to ballast there, or pay six shillings and eightpence.

28. No manner of person shall buy within this borough any barrell or barrells of herrings or other such fish, or any butter by the barrell or pott, and retail the same or any part thereof the very same day he hath bought it, upon paine of forfeiture of the same or the value thereof.

29. None but free burgesses shall buy any raw hides, calves' skins, or sheep skins within this borough or parish or liberties of the same, in the week, except it be Friday (which is the markett day), without the grant or licence of the Mayor and Aldermen, and shall pay such yearly fine for the same as by them shall be thought convenient, upon paine of three shillings and fourpence for every hide or skin so bought contrary to this order.

30. That no burgess or inhabitant shall forestall, ingross, or buy any coles to sell the same again in any place within this port of Barnstaple aforesaid before the same coles do come to be brought to this Burrough, upon paine of forfeiture of ten shillings for every wey of coles so forestalled, ingrossed, or bought.

31. No butcher or victualler shall sell in the market within this borough the flesh of any bull, or offer the same to sell, except the same bull, immediately before the slaughter, be chased and beaten with dogs for the space of one hour at the Bull Ring, and usual place appointed for the same purpose within this borough, upon paine of forfeiture of six shillings and eightpence for every such default, and that all butchers and victuallers repairing to the markett within this borough with any victualls, to bring wholesome victualls and marketable, and to bring the sheep skins hanging to the flesh, according to the custome of this borough, upon paine of a grievious amerciament.

32. That no inhabitant of this borough do receive any strange woman being with child into his house, or any vagabond or suspected person, without licence and consent of the Mayor and Aldermen, upon paine of forty shillings.

33. No inhabitant of this town shall suffer his hoggs, piggs, or ducks to goe at large in the street within this borough upon paine of losing one penny for every foot for every time.

34. All such as bring any victualls of fish to this borough or markett to sell shall bring the same unto such places as are or shall be appointed

for such kind of victualls and fish, and not sell the same secretly or in any private house or other place (except out of the boats wherein the same are brought), upon paine of the forfeiture of twelvepence for every such default; and the High Cross is hereby appointed for the place for selling of fish every week day except Fridays, and the fish shambles on the Key is appointed for selling of fish on Fridays, and everyone that brings any fish secretly or privately in his housse and not at the places before appointed shall forfeit 6s. 8d.

35. Any person who shall tye his horse in the open street or quay on Market-day, and suffer him to remain half an hour or above, shall forfeit fourpence.

36. Special regulations as to tanners not sealing their hides with any foreigner, but only with the sealer of leather appointed by the Mayor, upon penalty of twelvepence for every dicker of hides, and fourpence for every dicker of calves' skins, and they are not to seal at their own houses nor any place until brought to the Key Hall, on pain of forfeiting 20s.

John R. Chanter.

NO. XVIII.

Ordinances of 1690 (Continued).

37. Also it is ordained and established, according to the antient customs of this borough, that the Mayor for the time being shall have of every boat that bringeth coles to this towne for any foreigner one bushell of the same coales, and likewise of every boat that bringeth one bushell of the same coales, and likewise of every boat that bringeth same corne to his own use and behoof, provided that, if any freeman shall participate with a foreigner as partner in coals, the burgess to be exempted and the bushell paid only by the forreigner.

38. That if any inhabitant, not being of the Comon Councell, upon commanding or warning thereof to him given by the constables, do refuse and do not come before the Mayor to answer unto such matters as shall be objected against him, he shall forfeit and pay for every such default three shillings and fourpence.

39. When there is any meeting appointed by the Mayor at the Guildhall to consult and treat of causes and matters touching the state and behoofs of the inhabitants, there shall not be spoken or used any unseemly, unreverent, or reproachfull words one to the other of them, but everyone shall in decent, comly, and quiet manner speak and answer unto the matter then propounded; and if any of them demeane himself, otherwise and be faulty, and offend therein, and be so found and adjudged, the party so misdemeaning himself and offending shall be fined for such misdemeanour therein three shillings and fourpence.

40. Also for avoiding of confusion and disord'ly and superflous speeches and talk in the said assemblys and meeting of the said Comon Councell it is also ordered and established that none shall speak or talk while another is speaking, neither talk one with another after silence is commanded to be kept by Mr. Mayor or the Aldermen, but that everyone shall give attentive ear to him that is speaking until he hath ended his speech, who shall direct all his speech to the Mayor if present, if absent to the Aldermen, and that to the matter propounded and then in question, upon paine of paying for every such offence twelvepence.

41. Also it is ordered that if any of the Comon Councell shall reveale or disclose any matter communed or treated of in the said meetings and assemblys which is to be kept secret or the which shall turn to the hurt or displeasure of the whole Comon Councell or any one or more of them, the partys so offending shall loose and forfeit for every time twenty shillings.

42. That the bayliffs of the borough shall not compound for any custom or toll by the year or otherwise, but shall weekly collect the same, and that they shall not attach any person to the Castle Court without they make use of tipp staves, beyond the memory of man used in all attachments in the said Court, and that they take but 6d. for every such attachment.

43. That the free burgesses shall do suit yearly at the 2 Lawday Courts, or be amerced for each default 6d.

44. Also it is ordained, to avoid the abuses and cheates in weighing yarne and wool at private beams, that all those that do buy any yarne or wooll within the liberty of the borough and parish shall immediately thereupon bring and weigh the same at their Majesty's beame within this borough as hath been accustomed, upon paine on the buyer of six shillings and eightpence for every offence.

45. Also, for avoiding the great inconveniency that may happen to the town and the inhabitants thereof by fire being adventured in any house, it is ordained that no potter, baker, or brewer shall set up any furze rick or wood rick within the town in any of the yards or backsides of their houses, unless the same can be erected at least ten land yards off any house, upon penalty of £5; and also that all the bakers, brewers, dyers, potterns, mault makers and others that have at present any furze ricks in their said yards or backsides shall burne and consume or remove the same furse ricks on the Feast of the Nativity of St. John Baptist next, upon paine of forty shillings, and that until they and every of them have burned, consumed, or removed the said furse ricks they shall not bring or take into their houses, backsides, or yards, any one truss of other furse upon paine of six shillings and eightpence for every truss soe taken in, and that when the furse ricks which they now have be burnt, consumed, or removed, no inhabitant of this town shall receive or take into any their said houses, yards, or backsides any more furse at any one time than they shall burn and consume in twenty-four hours next after the bringing in the same furse upon paine of loosing twenty shillings for every time.

46. The Mayor, Aldermen, and Common Councell shall yearly upon the Fairday assemble all together at the Guildhall at 1 of the clock, and from thence go altogether in comely manner about the borough, as in time past they have been accustomed to do, and every one who fails in so doing shall forfeit 6s. 8d.

47. The Mayor shall call a meeting of the Common Councell every alternate Thursday at 9 in the morning for considering the welfare, reputation, and good government of the town.

48. No burgess to colour the goods of a foreigner, whereby the Corporation may be defrauded, upon paine of forfeiting £5 or disfranchisement of the offender for acting contrary to his oath.

49. Within 3 months after election every Councillor shall provide for himself a comely gown, to be worn by him in conformity to the rest, upon pain of forfeiting £5, and for every month after

that time he shall continue in contempt, 20s., and shall wear the some every Sunday to Church with the rest of the brotherhood on pain of forfeiting 12d. for every Sunday he shall omit the same.

50. The Mayor, and such as have been Mayors, shall wear their scarlet robes the 8th September, the 5th November, Christmas-day, Easter-day, Whitsuntide, and the 29th May.

Lastly are clauses providing for dealing with the Corporation and other lands which were vested in feoffees for the town.

Signed by the Mayor, Christopher Hunt, and 14 of the Common Councell, and ratified by the Judges sitting at the Assizes at Exon.—We do as much as in us lyeth ratify, confirm, and allow of these byelaws. Witness our hands and seals the 23rd March, 1690.

W. GREGORY.
P. VENTRIS.

The above laws, which for the most part existed up to the passing of the Municipal Reform Acts in 1835, were to a great extent the authority or warrant for the high-handed proceedings of the mayor and magistrates which have been set out in the extracts from the court books, and serve to explain many apparent acts of despotic authority. They also throw light on many of the miscellaneous papers found in the chests, specimens of a few of which are subjoined:

ORIGINAL AUTHORITIES TO VOTE FROM ABSENT COUNCILLORS, DATE ABOUT 1630.

Mr. Alderman Ferris,—I pray you give your ball for me, as you shall think to be best for the business in question.

NICHOLAS DOWNE.

Mr. William Palmer,—I praie you to dispose of my balles in the election both of the Maior and Capital Bourgesis, wherein I refer me to your good discretion, desyreing God to guide your hand for the best, and so I rest Your loving friend,

GEORGE GAYE.

Mr. Thomas Horwoode,—I pray, do you take my ball and dispose of him in the election of the Mayor, or any other election, as you think fit to.

Your Brother-in-law, T.

A LOOSE SHEET OF PAPER, DATED 27TH FEBRUARY, 1655.

Ordered that no man shall be admitted a free burgess if he marries a freeman's daughter for a fyne of ten shillings, but his fyne for admission in such case shall be arbitrary, any ways or custom within this borough or parish to the contrary notwithstanding.

Sir John Copleston, knight, Sheriff of Devon, is elected and chosen for Recorder of the borough and parish of Barnestaple.

John Seldon, one of the Common Counsell, came this day before us whose names are subscribed, and, according to the direction of a letter, written by Major Fredall Desbrowe, to the Maior of the said borough, did dismiss himself out of the office of Common Counselman, and thereupon he is dismissed by his own consent.

Richard Medford, Mayor	Joseph Delbridge.
John Horwood } Aldmen.	Richard Hooper.
Richrd. Harris }	Thomas Cox.
Thomas Horwood.	Joseph Cook.
John Down.	C. Palmer.
Nicholas Gaye.	Peter Docton.
Adam Lugge.	William Wescomb.
Joseph Bonavent.	Edward Pointz.
Roger Jiffery.	Bartholomew Bisse.

The exclusive privileges of the free burgesses appear to have been duly enforced year by year, the following being an example:

A parchment writ, issuing from the Borough Court, directed to the Receiver, Serjeants-at-Mace, and four bailiffs, commands them to levy of the goods and chattels of several persons, whose names are set out in the schedule thereto annexed, the penalties and sums therein mentioned, viz., "The freegavel of the ratement of such of the inhabitants of the town as are not free burgesses, for using their trades there, contrary to the Charter of Lyberties granted to the Corporation of Barnstaple, from the feast of St. Michael the Archangel, 1651, to the feast of St. Michael, 1652."

Then follows a list of thirty-one names, with various sums from 20s. to sixpence, but with no particulars as to the trades carried on by them.

The office of high steward does not appear to have been contemplated in the byelaws, as the following curious original document, with the autographs of the Corporation, shows, although there was authority to appoint a "Chief Steward" in the Charter of James, 1610.

"8th November, 1637. Whereas we of the towne of Barnstaple doe finde by daily experience, that through the envye of others, maligninge the prosperities of this towne, we have many heavie burthens laid uppon us, under the pressure whereof we have a long time groaned, and are yet like to be without remedies, unless we may procure the assistance of some greate man, whoe is powerfull at the Courte and Counsell board, and whereas by our Charter we have power to make choyse of an High Stuard, as the Citie of Exon, and other eminent place have the like. Wee, therefore, the Maior, Aldermen, and Burgesses of this towne, whose names are hereunto subscribed, doe consent and agree to have an High Stuard, and forasmuch as the Rt. Honourable the Erle of Dorset hath lately declared himself to be a noble friend unto this towne, both at the

Counsell boarde and elsewhere, and hath vindicated the wronges which have been lately offered unto the Maior and others of this towne by patenters and pursyvants, and he beinge a privie Counseller, and a man greatly in grace with the Kings Majestie, we, therefore, thinke it fittinge, and do consent and agree, that a patent of High Stewardship be forthwith drawen upp for the Erle of Dorset, to be with all expedicon sent upp to London, under the Town Seale, to Mr. George Peard, to be presented by him unto the Erle, together with a piece of plate, or some such thinge, as a present, to be bestowed upon him at his first admittance, and with £10 per annum pension."

Pentecoste Doddridge, Mr.	James Gammon.
Henry Masson, Ald'men.	Walter Tucker.
Wm. Palmer, Ald'men.	George Baker.
Nicholas Down.	Jonas Baker.
Richard Beaple.	John Brande.
Justinian Wescombe.	Lewes Downe.
Gilbert Paige.	Lewis Palmer.
Richard Medford.	George Ferris.
Richard Ferris.	Anthony Gaye.
Alexander Horwood.	
Thomas Harris.	

J. R. Chanter.

Fort Hill, March 26th.

NO. XIX.

Writ and Inquisition *post mortem* Henry de Tracy, A.D. 1274.

Escheats of the second year of the reign of King Edward the First [1274], No. 32.

Edward, by the grace of God King of England, Lord of Ireland, and Duke of Aquitaine, to his beloved clerk Sir Richard de Clifford his escheator on this side of the Trent, greeting.

Seeing that Henry de Tracy, who held of us in capite, has died, as we have been informed, we command that all the lands and tenements of which the aforesaid Henry was seized within our dominion you take in possession and keep in safe custody until we have given you instructions thereon. And that upon the oath of honest and lawful men of your balliwick, by whom the truth of the matter can be ascertained, you carefully learn how much land the aforesaid Henry held of us in capite in your bailiwick on the day on which he died, how much of others, by what service, what is the annual income from those lands, who is the heir, and of what age he is; and that the inquisition thereupon made you send to us with your seal and the seal of those by whom it has been made, without delay.

Tested by us at Kenyton, on the 21st day of August, in the second year of our reign.

Inquisition and Valuation of the borough of Barnstaple, in the county of Devon, which was possessed by Henry de Tracy, made on the day of March next before the Nativity of the Blessed Virgin, in the second year of the reign of King Edward [the 1st], before Robert de Malleston, sub-escheator of the same county, on the oath of Robert Horloc, Roger de La Barre, John de Luscote, Simon de La Barre, John de Alwyngton, Yvon de Londay, Philip de Helond, Reginald Chulbe, Thomas Le Knyst, Hugh de Lantelas, Laurence Guraunt, and Richard de Prestecote, who say on their oath that the aforesaid Henry held of the King in capite as head of the Baroney of Barnastapall by the service of two soldiers or four knights maintained at his cost for forty days whenever the King makes a demand for the same. They also say that there is a certain place which is called the Castle, around which is a wall almost in ruins, and there is on that place a mound [Mota: "Collis sive tumulus, cui inaedificatum castellum." Du Cange, sub voc.]: in which Castle is a hall, a bedroom, a kitchen, and other buildings and easements of the court without the mound, which produce 6d. per annum. There are also in the same place 36 tenants in dwelling houses paying at the feast of S. Hilary 23sh. 8d. There are also tenants in the suburb who pay a varying rent averaging

6sh. 8d. There is also a market there every Friday producing 60sh. a year. There is also a fair which is carried on from nine o'clock on the Vigil of the Blessed Virgin to Vespers on the Feast of the Blessed Virgin, which fair brings in 10sh. a year on an average. Moreover the pleas, perquisites, fines, reliefs, and other incidental receipts are worth 13sh. 4d. per annum.. Also they say that there is a Priory founded on the domain of the lord, and the custody of the Priory, when vacant, belongs to the lord of the said borough as being a member of the barony. They also say that the advowson of the Church of the said borough belongs to the lord of the borough aforesaid, and that the Church is worth four marks a year. They also say that Matilda de Camvile, granddaughter of the said Henry, whom Geoffry de Camvile lately married, is next heir, and was of the age of 31 years on Christmas-day last.

In testimony of which they, the aforesaid jurors, have affixed their seals to this Inquisition and Valuation.

Total of the whole lordship, 114sh. 2d.

Inquisition respecting a grant made by Philip Columbar and Alianora his wife of a rentcharge towards the maintenance of a Chaplain in the Castle of Barnstaple, A.D. 1333.

Escheats in the 6th year of Edward the Third, No. 14; no. 2do.

Inquisition taken at Easter before the escheator of our Lord the King, on this side the Trent, on the 24th day of April, in the 6th year of the reign of King Edward the Third from the Conquest, by virtue of a certain writ attached to this inquisition by the oath of Thomas Atte Barre, Walter Wylmere, Richard Wallop, Robert de Tappelegh, John de Doleton, Roger de Freynseton, Roger de Hoynyton, William de Shoster, John de Panishull, John de Incledon, William de Alre, and Richard Durand, who say on oath that it would not be to the loss or prejudice of our Lord the King or of others should the King grant to Philip de Columbar and Alianora his wife that they may give and assign an annual rent of forty shillings, payable from a certain bakehouse of theirs, towards the maintenance of a chaplain, who shall daily offer mass for the souls of the predecessors of the said King, and of Alianora herself, and of all the faithful departed, in a chapel within the castle of Barnstaple, to have and to hold the said rent charge to the said chaplain and his successors, the chaplains who for ever shall daily celebrate for the souls of the aforesaid. And they say that the above rent charge is held of our Lord the King as of the Borough of Barnestaple, which is a parcel of the Barony of Barnestaple. Furthermore, there is not any mesne lord between our Lord the King and the aforesaid Philip and Alianora with respect to the said rent. They also say that besides the foregoing donation and assignment there remain to the said Philip and his wife Alianora, and to the heirs of Alianora, the manors of Fremington and Comb Martyn, which are held of our Lord the King in capite by military

service, and are worth two hundred marks a year, and that the above manors suffice for the customs and services due both from the said rent thus granted and from the other land and tenements retained by them, and for all other charges which they have been accustomed to bear, as in suits, views of frankpledge, aids, tallages, wardships, fines, ransoms, amerciaments, contributions, and other liabilities. And that the said Philip and the heirs of Alianora are liable to be summoned in assizes, juries, and other inquisitions as the said Philip and the predecessors of the said Alianora have been accustomed. In testimony of which things the aforesaid have affixed their seals.

Letters patent of King Richard the Third, by which he grants the castle and borough of Barnstaple to Thomas Everingham for services rendered, in support of his usurpation of the throne of England, A.D. 1483.

Devon, Oxon, Berks, Somerset.

The King, to whomsoever these shall come, greeting. Seeing that not only generous feeling but also a sense of justice urge all men, and especially kings and princes, to confer rewards on those who have deserved well of them. Know ye, therefore, that on account of the eminent and faithful services which Thomas Everingham, a Knight of our Body Guard, formerly rendered us, not only by defending our title and claim by which we made good our right to the crown of this kingdom of England, but also by putting down traitorous and rebellious men who lately excited disturbances within the kingdoms, and for faithful service to us and our heirs, the future sovereigns of England, which the said Thomas and his heirs shall render by their aid against any rebels whatsoever that may arise in future times, We, of our special grace, have given and granted, and by these presents do give and grant, to the aforesaid Thomas the castle and borough of Barnstaple, the castle and manor of Toriton, the fee farm of Toryton and Barnestaple, and all the lands and tenements, rents and services, with their appurtenances, in the vills and jurisdictions of Barnestaple and Torryton, in the County of Devon, which were lately the property of Thomas Seyntleger Knight, the manors of Blackford and Prestly, and an annual rent charge of seventy-six shillings and eightpence in Rode, and all the lands and tenements, rents, and services, with their appurtenances, in the vills and jurisdictions of Blackford, Prestly, and Rode, in the County of Somerset. Also the Manor of Nether Hayford and all the lands and tenements in the vill of Nether Hayford, with their appurtenances, in the County of Oxon. And also the Manor of Cherington and all the lands and tenements, rents and services, in the vill of Cherington, with the appurtenances, in the County of Berkshire, which lately were the property of Roger Tokott, Knight, together with the Knights' fees, advowsons, and profits of abbeys, priories, hospitals, churches, charities, and other ecclesiastical benefices; and further with the parks, warrens, chases, woods, cop-

pices, streams, fisheries, mills, fairs, markets, courts leet, views of frankpledge, liberties and franchises, and wrecks of the sea, and with all the lands, tenements, rents, services, reversions, and appurtenances, whatsoever they may be, to the said manors pertaining. To have and to hold all and single the said manors, lands, and tenements, rents, and services, Knight's fees, advowsons, and profits of the abbeys, priories, hospitals, churches, chantries, and other ecclesiastical benefices whatsoever, and the other aforesaid lands with their appurtenances to the aforesaid Thomas Everingham, Knight and his heirs male of his body legitimately begotten, of us, and our heirs for ever, for military service, and a rent of £15 per annum payable at the feasts of Easter, and S. Michael the Archangel, in equal portions. All and several of the above manors and their appurtenances we grant to be held, any statute, act, ordinance, restriction, or provision to the contrary notwithstanding, in witness of which thing, etc. Tested by the King himself at Westminster on the fifth day of March.

The first of the foregoing documents, the inquisition held after the death of Henry de Tracy, is one of the inquiries usually made into the property of a deceased tenant holding in capite of the sovereign. The object of the inquiry was to ascertain what was the annual value of the property, as one-fourth of this was demanded by the king from the possessor under the name of a relief or escheat, which may be tendered "windfall." The "inquisitiones post mortem" often furnish most valuable facts for the historian's use. This of William de Tracy, for example, throws fresh light on several points connected with the early history of the borough of Barnstaple. A description of the castle will be found therein; also the value of the fair and market, with the time at which the former was held six hundred years ago, and information respecting the advowson of the church. Moreover it would appear that hence a correction may be made in one of the pedigrees given by Sir William Pole and copied by the other county historians, all of whom represent Matilda, the wife of Sir Geoffrey Camville, as being the daughter of Henry Lord Tracy, whereas this inquisition expressly states that she was that baron's granddaughter.

The second document translated above is also an inquiry made before the king's escheator, but for a different purpose; it appears hence that the Baron of Barnstaple next but one in succession to Sir Geoffrey Camville, namely, Philip Lord Columbars, who married Eleanor, great granddaughter of Henry Lord Tracy, proposed to grant a rent charge of 40s. a year towards the maintenance of a castle chaplain. This, however, by the Statute of Mortmain, could not be done without the king's consent, and hence this inquiry is held to ascertain before such consent is given whether the grant can be made without injury to the king's rights.

From the last of the foregoing records we learn what has hitherto

escaped the notice of the county historians, that Richard the Third during his short reign made a grant of the castle and borough of Barnstaple to Thomas Everingham, for services rendered to the usurper in the measures taken by him to secure the crown. Richard's sense of obligation towards Everingham seems to have been very great, for other valuable manors were conferred on him at the same time. His prosperity was, however, of short duration, for he lost his possessions on the death of his patron, and in 1487 the Barnstaple portion thereof was conferred on Margaret Countess of Richmond.

THOMAS WAINWRIGHT.

Grammar School, Barnstaple, April 2nd, 1879.

NO. XX.

A writ of enquiry whether the town of Bernestapol was ever in the King's Ancestors' hands, and if a Borough or not A.D. 1272.

Edward by the grace of God King of England, Lord of Ireland, and Duke of Aquitaine, to his Treasurers and Chamberlains greeting. Because for certain causes we wish to be informed whether the town of Bernestapol was at any time in the hands of our ancestors, former Kings of England, and if it is a Borough or not, we command you to make a search in Domesday Book, and to make a return to us without delay of what you shall therein find on this matter under the seal of our Chancellor. Tested by me, myself, at Westminster, the xxxth day of January, in the first year of our reign. Pingeston.

The return to the foregoing from Domesday Book, A.D. 1086, states that in Devenescire, among the King's lands the King has the Borough of Barnestaple. King Edward held it in desmesne. There are within the Borough XL. burgesses, and IX. are without the Borough. Among them all they pay to the King XL. shillings by weight, and to the Bishop of Coutances XX. shillings by tale. Twenty-three houses have been wasted since the King came into England.

A writ from King Henry 6th, to the Mayor and Bailiffs of Southampton, certifying that the Burgesses of Barnestaple, as of the demesne of the Crown, were free of toll throughout the kingdom. A.D. about 1428.

Henry, by the grace of God, King of England and France and Lord of Ireland, to the Mayor and Bailiffs of the town of Southampton greeting. Since, according to the customs of our kingdom of England hitherto obtaining and approved, the men of the ancient demesne of the Crown of England ought to be free from the payment of toll throughout our whole kingdom aforesaid, we enjoin that according to the custom you allow the Burgesses of the Borough of Barnestaple, which is of the ancient demesne of the Crown of England, to be thus freee from demand of toll in accordance with the certificate sent by the Treasurer and Chamberlain of the late King Richard the Second, and exemplified by the said King afterwards by letters patent. Tested by me, myself, at Westminster, on the 28th day of June, in the first year of our reign. Shelford.

A.D. about 1422. Letters patent of this King written on a strip of parchment, and addressed "To all and singular his earls, mayors, bailiffs, servants, and other faithful subjects, as well within liberties as without, to whom these presents shall come, greeting," are otherwise a copy of the foregoing, and, therefore, need not be translated.

Covenants between Walter [de Stapledon] Bishop of Exeter and the Mayor of Commonalty of Barnastopol respecting the erection of Mills on the water at Portmore. A.D. 1320, Know all men that on Thursday . . . the feast of the Exaltation of the Holy Cross, in the 14th year of the reign of Edward (Ed. 2nd), it was thus agreed between the Venerable father Sir Walter, by the grace of God Bishop of Exeter, with the consent and assent of his Dean and Chapter of Exeter on the one part, and the Mayor and Commonalty of the town of Barnastapol on the other part, namely, that the aforsaid Bishop, Mayor, and Commonalty, on the course of the stream Portimore, which divides the land of the said Bishop at Tawton and the land of the said Mayor and Commonalty of Barnastapol, at their joint expense shall erect one mill or several corn, fulling, and other mills on the Portimore stream aforesaid on their lands aforesaid whenever it shall be most expedient on either side of the said water. And when the said mill or mills shall be erected at the joint expense of the same parties, namely, of the Bishop of Exeter and of the Mayor and Commonalty, they and their successors shall maintain and repair it or them for ever. And all the profits thence derived shall be divided in equal portions between the Bishop and the aforesaid Mayor and Commonalty and their successors, so that one moiety shall be received by the said Bishop and his successors and the other moiety by the said Mayor, Commonalty, and their successors for ever; moreover, the places for the erection of the mills shall be chosen by the common consent of the two parties. In testimony of which thing the seal of the said Venerable father Sir Walter, by the grace of God Bishop of Exeter, with the Seal of the Dean and the Chapter of the church of Saint Peter of Exeter, and the seal of the said Mayor and Commonalty of Barnastapol are appended to these indentures with these witnesses: Sir Henry de Campo Arnulphi, Richard de Merton, Richard de Stapledon, John de Treiagu and Robert de Stockhere, Knights. Given at Exeter on the day and year above named.

Exemplification of Records of the 9th year of Edward the First taken at Exeter before justices in eyre, showing by what serjeanty the borough was held.

Edward the Sixth, by the grace of God of England, France, and Ireland, King, Defender of the Faith, and on earth of the church of England and Ireland supreme head, to all to whom these presents shall come, greeting. We have inspected the tenor of a certain record in the presence of the Barons of our Treasury at Westminster, which record is preserved in the custody of our Chamberlains there, and has the following title, namely: Devon. The pleas of the jurors and assize before Solomon de Lost and his fellow justices in eyre held at Exeter, in the county of Devon, in the ninth year of King Edward (1281), in the Court of Pleas of our Lord the King of Exeter, Geoffrey de Cammyle (the Camville of other records), was

summoned to answer to our Lord the King on a plea of Quo Warranti, because of his claim to have view of Frank Pledge, the right of erecting gallows, and the assize of bread and ale in Bovytracy, which appertain to the crown of England, and that without license. Whereupon Walter came and said that he holds the manor of Bovey Tracey, by the law of England, from the heirs of Wm. Martyn, without whom he cannot answer to the King; these heirs therefore come upon summons, and reply with the aforesaid Geoffrey, and say that the manor of Bovy Tracy is a member of the said William's barony of Bardestaple, to which the aforesaid liberties appertain, and they say that all the predecessors of the said William from time out of mind have enjoyed those liberties, and on that warrant he claims to hold the said liberties; and he shows no other warrant thereupon. The matter was therefore referred to the King for decision, and the time fixed one month after Easter, at the place wherever the King may be. The same Geoffrey was accordingly summoned to answer to our Lord the King on what warrant he claims to have view of frank pledge, gallows, tumbrel, and the fixing the assize of bread and ale in Bardestaple, without the king's licence. Whereupon the said Geoffrey came and said that Bardestaple is the head of the Barony of William, to which such liberties appertain, and that all the predecessors of the said William from time immemorial have enjoyed the said liberties, on that ground he claims these liberties, and has no other warrant. We have also inspected the tenor of another record before the aforesaid barons of our treasury, kept in the custody of our chamberlains, the title of which is as follows:—Devon. The Crown Pleas before Solomon de Rolfe (the same baron, doubtless, whose name is given above as "Lost") and his fellow justices, in eyre at Exeter, in the octave of S. Martin, in the 9th year of King Edward (1281). With respect to the hundred of Barnestaple the jurors present that the borough is the borough of Geoffrey de Camvyll, which he holds from the heirs of William Martyn, and claims to have in the same a pillory, tumbrel, gallows, fair, and market, and has fully exercised these rights, and that the burgesses of that borough owe serjeanty to our Lord the King namely, to provide for our Lord the King in time of war in England at their expense four horse soldiers fully armed and four foot soldiers with bows and arrows for forty days, as they and their predecessors have always done to the King and his ancestors, and they say that during the whole time of the late war in the reign of King Henry, the father of our present Sovereign, they rendered the aforesaid aid. Now we have caused the above exemplification of all and singular the foregoing to be drawn up at the request of Thomas Davye, under the seal of our said Treasurer. Tested by Edward Duke of Somerset, our Treasurer for England, at Westminster, on the 20th day of November, in the first year of our reign. Smyth.

Three of the foregoing documents will be found to refer to the claim set up by the burgesses of Barnstaple that the borough was

of the royal demesne and that they were consequently entitled to various privileges, which in the olden time would be valuable. The claim, it will be seen, was fully made out and allowed. In another record we have an account of the aid that Barnstaple had to render the king in case of war in England in return for these privileges. The agreement given above between the Bishop of Exeter and the mayor and burgesses of Barnstaple is not only interesting in itself but from its association of men of note in their day. The bishop, Walter de Stapeldon, was born at Stapeldon, in the parish of Cookbury, and presided over the diocese from 1308 to 1326. He was a learned, charitable, and active prelate; he continued the restoration of the cathedral commenced by Bishop Quivil and completed by Bishop Grandisson; he annexed to Gabriel's Chapel, Bishop's Clist, a hospital for twelve blind, infirm, and superannuated clergymen. In 1321 he procured a licence to embattle and fortify his palace at Exeter, and to surround the close with a stone wall. He was the founder of Stapeldon's Inn, now Exeter College, Oxford, and was appointed by Edward the Second Lord High Treasurer of England. His fidelity to this monarch brought on him a violent death; for during the riots that occurred in London, on tidings reaching the capital of the landing of the queen with a body of troops destined to dethrone the king, Bishop Stapeldon, "a virtuous and loyal prelate," was seized by the rebels as he was passing through the streets, and having been beheaded his body was thrown into the river. The mutilated corpse, being recovered, was first interred in St. Clement Dames, and afterwards, it is said, re-interred in Exeter Cathedral. On the north side of the choir there was erected his monument, an effigy of the bishop in his pontificals, lying on an altar tomb under a depressed arch; this was repaired at the expense of Exeter College, in 1733. One of the witnesses to the foregoing agreement, Sir Richard Stapeldon, was the bishop's brother, who lost his life at the same time, and by the same murderous hands.

Henry de Campo Arnulphe was of the ancient family whose name was afterwards variously rendered Campernulph and Champernowne; originally sprung from Clist St. George. We find them also settled at Modbury, and at the seat near Ilfracombe, which still bears their name, but still further metamorphosed into "Chambercombe."

THOMAS WAINWRIGHT.

Grammar School, Barnstaple, April 10th, 1879.

NO. XXI.

Inquisitions, letters patent, pleas and escheats, of which there are many copies or extracts in the chests, can scarcely be called strictly "borough records," the originals having been generally returned to and lodged with the archives of the realm; but as they throw considerable light on matters connected with our early history, describing places and things as they were many centuries since, and were either unknown to or unnoticed by our local historians, it is thought desirable to reproduce some of them in the present series. No doubt these transcripts were obtained for some special purpose, and either at the period when attempts were so persistently made by the feudal lords to abridge the immemorial liberties and privileges of the burgesses, or on the occasions of applications made to the Crown for extensions and confirmation of those privileges. Probably there were originally many more of such copies, which have perished or been abstracted, as appears to have been the case with the "French papers" and the documents of the period of the Civil War. Most of them are in Latin, some in French.

From the Hundred Rolls, 1274.

Inquisition taken at Barnstaple, under commission from the King, dated 11th October, 2nd Edward I., to enquire as to the rights and revenues of the Crown in the borough of Barnstaple and elsewhere, before Robertus Horbert, Benedictus de la Pille, Silvestrus de Farsill, Nichus Peytenen, Henric Wytloc, Robertus Ripan, Johan Petyt Conseil, Ricus de Pilton, Ricus Cissor, Thomas Bylle, Benedict le Cuyt, and Alexdrus le Teynturer, who on their oaths say that Galfridus de Canville holds the aforesaid borough of Barnstaple, with the castle thereof, from our Lord the King as tenant in capite, by virtue of a descent from Matilda (or Maud), the wife of the aforesaid, who is the heir of Henry de Tracy, by the service of 2 soldiers or 4 knights, with coats of mail, iron helmet, and lance, whenever our Lord the King goes out with his army, for 40 days. And further that the aforesaid Galfridus doeth suit and service for the same borough and castle, and the members pertaining to the said burgh, to wit, Fremygton, Tavstock, Nemet, and Bovey, as they were so held in olden time before the aforesaid Matilda, from the King of England at the time of the conquest of William the Bastard. And the said Falfridus hath the assize of bread and ale, with the gallows, tumbrell, and pillory, from the time of the aforesaid Conquest. And the said Galfridus holds the aforesaid burgh as a member of the aforesaid barony of our Lord the King, and there appertain to the said burgh 12 knights' fees, etc., etc.

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1281.—Placita de quo Warranto, Edward I.

Writ issued, arising out of the previous inquisition, and tried at Exeter before the justices in Eyre.

Galfridus de Cannvyl is summoned to answer the Lord the King on a plea, by what warranty he claims to have the view of frankpledge, gallows, amending of the assize of bread and ale, which pertain to the Crown of our Lord the King, etc.

The material parts of the proceedings consequent on this writ are set out in the exemplification of records reproduced in the reign of Edward VI., 1547, which were translated and given by Mr. Wainwright in No. XIV., and I do not therefore repeat them, but the exemplification shows from its date and tenor the probable period and purpose for which these original copies of ancient documents were produced by the burgesses, viz., to maintain ancient privileges which had probably again been called in question.

It would appear from some notes made by Mr. Incledon more than a century since that there were then among our archives many documents of a somewhat similar character to the preceding, but in the old French language, or rather a *Lingua Franca*, of a few of which he made copies or extracts. One of them he translated, and another important one seems to have been "Englished" at an early period. The originals have disappeared, whether from mere decay or other more reprehensible cause it is now unavailing to enquire; but as they have been hitherto unpublished and unknown, the transcripts will be given in full, with Mr. Incledon's notes thereon.

Memorandum from French Papers as to Proof of Bushelage, 12 Henry IV.

Cornewal, Knight, and the Countess of Huntington, against the Mayor and burgesses of Barnstaple—a complaint in Chancery. It is thus expressed, among other articles: "As to the third complaint, that the said Maior and burgesses take cuilage of every vessel that cometh thither by water, and the Maior and burgesses say that they find a bushel for every vessel that cometh with cole and lyme, and time out of mind they and their ancestors and predecessors have had one bushel of cole and another of lyme of every vessel and all marchaundize accordingly."

Upon this it appears, by a ratification under the seal of the said Cornwall and Countess, dated 20th October, 12th Henry IV., annexed thereto: "qu. lez ditz mair Bailyffe et Coaltie & toutz leurs heires & succ. eyent, usent, enjoyent, toutes les libertez usages et custums sanz empechment, vexacon ou molestacn."

The following is curious as showing the style of petitioning of the period—the 2nd year of Edward II., 1308.

Petition of the Maior, burgesses, and cominaltie of the town of Barnestaple to have the custom on narrow cloths taken off.

Copied from a copy in French in parchment, and translated by me, 16th June, 1774.—B. I.

There is a date of the reign, but not naming the King, as I find that this custom was imposed in 28 Ed. I., and repealed 2nd Ed. II., which was done, it is probable, on this and some other petitions to the same purpose, and this makes it almost certain to be dated in 2nd Edward.

A vre tres hounarable très venerent et gracieuse Sr Le Tresorer D'Engleterre.

Supplie tres humblement a vre très gracieuse Hautesse vos humblez orato's & soubgitz lez Mayr, Burgeys, and toute le Comunaltee de la ville de Barnestaple, qe come voz officiers et deputez ore de nouvel faitz veignont and Clayment d'avoir de chacun drap estroit venduz on achatez ceste ptie pr le coket la on gelez draps yci ne sont forsqe de petite value et aussi devant ces heure nulle tielle custume ne clayme unges fuist faite levee ne execut . . . pleise a vre tres gracieuse Sre au revénce de Dieu & de sa gloriouse miére soeufrer nous distre en tiel pees ease et Perquillitee come nous & tout nos predecessours sunt este tangences saunz nous molester on greven oue helœ nouvelœ imposicions prejudices & avyntissementz entendanz si pleise gracieus Sr ge toutez les custumez & usages . . . ount este syrmys devant . . . nous les forrons de treslee cuer mais nulle novoltee, ne nulle novelle custome parmy vre bonne voluntee . . . dantz tres graciouse Sr firmement and croyantz. g. pmy vre gracious Sie. supportacion and aide nous. s. Vous aussi frankes el temps de ns tres vedonte Sr le Roy gozest come noux avons este el temps de toux sez tres noblez p. gentos and ce p. l'ami de dieu and de sa gloriouse maere la vierge Marie and en souvaraigne oevre de charatie. Et poure tres gracious Sr que pleuroit a vre trigraciouse hautepe suisdit. adjouster and donner. ferme foy and credence as cester ge nulle tielle clayme ne custume unges fuist faite levee ne execut nous Thomas Hoper Mayr—Thomas Halle—William Uppecote—Thomas Papewal—Rauf Whyte—Henry Rydewyn—Richard Raw—John Goldsmyth—Thomas Malkysham—William Stykke—Ranf Cole—Richard Bowedon—Henri Bale—Thomas Baker—Johan Symond—Johan Uppeton—Robert Holman—William Rydewyn—Richard Smith—Johan Stockhay—William Hayne—Thomas Stury—Robert Askeburgh—Johan Mulis le puisne—and Johan Saundres Burgeys de la ville de Barnestaple as cestez psentz lves avons mys noz Sealx. Don a barn suisdit. la Samedy pschein apres le feste de la Typhane L'An du vre tres tres vedonte Sr le Roy suisdit seconde.

(Translation.)

To our most honourable, most reverend, and gracious Lord Treasurer of England.

Your humble petitioners and subjects the Mayor, Burgesses, and all the Commonalty of the Town of Barnestaple, most humbly beseech your most gracious Highness. That whereas your officers and deputies now lately made, come and claim to have of every narrow cloth sold or bought . . . part by the coket, when the cloths here are but of small value, and also before these days no such custom was ever made, levied, or exacted. . . . May it please your most gracious Lordship, in reverence to God and His glorious Mother, to permit us to be in such peace, ease, and tranquillity as we and all our predecessors have been . . . without molesting or grieving us with such new impositions, prejudices, and . . . intending, if it please gracious Sire, that all the customs and usages that have been . . . before . . . we will do them with all our heart, but no novelty or new custom without our good will . . . most gracious Sire strictly, and trusting that under the support and aid of your gracious lordship we shall be as free in the time of our most dread Lord the King that now is, as we have been in the time of all his most noble progenitors, and that for the love of God and His glorious Mother the Virgin Mary, and in the sovereign work of charity and power, may it please your most gracious Highness to credit and give firm faith and credence to these things, that no such claym or custom was ever made, levied, or exacted. We Thomas Hoper Mayor (and the 24 Burgesses before named) to these present letters have put our seals. Given at Barnstaple, aforesaid, Sunday next after the Feast of le Typhane,* the 2nd year of our most dread Lord the King aforesaid.

J. R. CHANTER.

* Le Typhane, January 16th. The day of the Epiphany. This word most rarely appears as a date, and only in French Records. It is used in Bede and in the Saxon Chronicle as Theophania or Theophonie. In French it appears as La vigile de Thephan. The Theophany is said to be a more ancient festival than the Epiphany, but it seems to be nothing more than a synonym as regards religious rites.—Hampson's Kalendars of the Middle Ages, p. 373, book 4.

NO. XXII.

The document set out in this and the following number will probably be considered the most interesting of the series by those who are curious in the antiquities of the town, as, although rather imperfect, it gives more particulars, and goes more minutely into details of the ancient state of the borough and its appurtenances than any other record we possess. It would appear to have been a purely local inquiry, as no trace of it is to be found amongst the public records, which were, as before stated, generally taken, by order of the king under Royal writ directed to special jurors or escheators to ascertain the value, with a view to taxation. This inquiry was more probably made on the accession of a new lord to ascertain his relative rights, or, as Mr. Incledon suggests, on the occasion of some dispute between the Lord of the Castle, who would be the feudal lord, and the burgesses, and is described as being "Interrogatories and Depositions." Furthermore, it is the only local inquisition we know of taken in Norman French, which was then, probably still, the colloquial language of the descendants of the Norman Conquerors.

This is one of the documents which were copied by Mr. Incledon, and have since disappeared. His endorsement on it is—"Copy of a translation of an ancient inquisition taken in French, rather imperfect." The French original appears to have been imperfect or partially undecipherable at the period when the translation was made, as shown by the numerous blanks which occur in it, but the translation itself, from its antique style and spelling, as well as from the number of archaic words of doubtful interpretation, must also have been made at a very early date, not improbably cotemporaneously, or nearly so, with the French original, for the information of the burgesses, who, for the most part, would have been ignorant of the language of their conquerors and lords.

There is no actual date, but, from the reading and context, it is clear that the inquisition was taken some time in the thirteenth century, probably the year 1281, or within ten years up or down.

As the document has already been subjected to probable errors caused by thrice transcribing, it is thought better to reproduce the original copy rather than attempt to modernise the language except by an occasional note or gloss. Mr. Incledon prefaces it—"A copy of a translation of an Inquisition in French on some dispute between the Lord of the Castle and Manor of Barnstaple and the Burgesses. I copied this translation of an Inquisition from a very long paper roll

which I found in the Corporation chests of Barnstaple, on the back whereof is written":

The construction and interpretation of certain interrogatories and depositions touching the franchises of the town of Barnstaple, the Priorie of St. Mary Magdalene, and the Castle, as they are contayned in a certain parchment French writing marked No. A.

Inqui sicyon is made of the estate of the Burgh . . . . the Castell and to the town, and if any . . . . many and where . of the keeping . . . . and by how long tyme and at whose costs . . . . of the Castle nor of the articles before . named to . . . . nor anything hath appteyned nor doth purteyn . . . . to the Castell as tho' no service belonged. Of the Chauntry of the Chappell . . . . by how many preests, and who ought to find the necessaries belonging to the Chappel, and if the rents . . . . assigned to the Chapel be sustenned of what tyme, and how long, and by whom.

We say that we have . . . . singing in the Chapel of the Castell the which shall be there put at the will of the Lord. Certain rents be assigned of old time to susteyn the foresaid chauntry. Sir Walter, Chepleyn, sometime of Fremyngton, gave and assigned to one of those Chapleyns a furlong of land in Foulingcote, by certain Bounds, and xxs. of annual rent going out of the land of Eteford and North Stoford, in the Lordship of Yesthaggynton, of which rent the provost of Yesthaggynton is he that shall reseyve it, and, if nede be, shall distreyn, and shall pay it to the said Chapleyn. The Lord shall find the necessaries pteyning to the Chapel, except the Light, whereunto ii lb. of wax doth belong of the Tenement of Stanbrijgge, a tenement that is set in the towne between the Tenmt. of Bernard de La Bogha, of the oon parte, and the tenmt. that sometyme was Michael Burell, sold after the death of the very Tenant, to oon Arnold, of Chepstoune, and his wife, for as much as noo heir then claymed the Tenemt. . . . . Tracey, as Chief Lord, assigned xs. of rent of the same tenemt. to the Chantry of the Chapel, and paied many yeres to the other Chepleyn of the Castell. After the death of Henry Tracey came a woman, and nemed herself very Heire of the same tenemt., and brought the King's Writ against the Tenant, and pleaded and recovered the tenemt., before the King's Justices (which woman did give and grant the same tenemt. to Metthew de Chynex) the which Metthew from that time hath withholden the same xs. of rent until now. . . . . Of the Prises of the Castel of Brede, Wyne, and Ale, and all maner of Victaile yf sale may be made, but as at the common sale and Respite of the payment by how long tyme. We say that this belongeth to the Castel yf the Lord do not . . . . and then no mener price is due, but at comon doon without Respite, but at the will of the sellers.

Nevertheless, the Burgeys shall have xvd. that be due to the Lord, for all manr. price of the Town of all those that brew in the town to sell, to be paid at Hokeday *(a)*, which is called Brithegavell (except those that claim Fraunchises of the said Brithegavell the Mair and the Bailiffs of the town be quyte of the same Brithegavell for-as-much as the be on the Baylywyke).

Iff noo Foreign or Denyzen be bound to make carriage of Tymber or of any other thing to amend the Castell or make defence. We know nothing as we have before sayed.

Iff the bounds of the Castell and of the Town be hole or not and by whom they be impaired.

The bounds of the Towne be in the state in which they were in the tyme of Sir Henry Tracey. About the towne, of the Bounds of the Castell, we know nothing but that they be in the state that they were in the tyme of Sir Henry Tracey except that thing that the Mayr heth purchased *(b)*, and except thet the people of the Town have had by the license of Sir Geffry Campvill and his Bailiffs for emendment of the Town. Of the Bounds of the See *(c)* and what custume the Lord ought to take of every Ship and Bote thet entreth in the Bounds of any Merchandize. Thet it be frome Furchies deske *(d)* unto Cobrygge, and from Cobrygge deske to the Myddes of the water of Tow, and so by the same Bryme of the Water deske to the Mylle of the Prior of Barnestaple as pteyning to the Town except the Bounds of the Castell. And forasmuch the Commonaltie of the Town within those bounds before Justyces in Oyre and before all the Mynysters of the King of all cases and all adventures have answered, and defended within the Bounds aforesaid and always have done. The Lord shall take of every ship that entereth in within the Haven with whatsoever Merchandize it be shall not break bulk nor thayr Merchandize lay on the Bridge before they have showed to the Mair and Bailiffs to whom they come with thair ships or boats with thair goods to sell (yf it may be) a . . . . come to the towne with the flud of the see, and all that may not come to the towne, the Lord shall have his customs, that is to say of every ship that hath a boat iiid., in the name of Culage, that shall arrive upon the Lord's grounds. If there be another ship without a boat thereto belonging id. Of every boat that entrieth within the haven with fish, the Lord shall have xiid. of fiysh for xii. without culage of that boat, if he take as much as culage doth amount of anntage, and have shall the choice of oon boat bulk, the which he will choose after the quantity of the fysh, and the fee beforesaid, savying that people of the towne and of the contrie may thereof be served after the quantity of the fisshe of noon, other merchandize he ought not to take that cometh by see.

Of every tonne of winne that stranngers bring within the

haven before named, that be not enfranchysed, id., in the name of custom that shall arryve upon the Lord's land.

Of the franchise of the burgh and of the estate, how the burgeys clayme these tenements to hold (and whereby they claim franchyse to have and what).

We say that the burgeys hold thair tenements in burgage by feaute, and by ii suts to the court of the Lord at ii Laghdayes *(e)* that is to say the Saterday next after the hakday, and the next Saterday after the feast of Seynt Faye Serynwants, and all Burgeys at theis days shall answer to the other without somons of it be found in the Court of every tenement hole in the towne *(i)* be due to the Lord in the name of Frugavell, the burgeys of the town shall have to the fees of all those that be recittes of South Eux, in the town, without suite or service to answer to any plaintyff, but as the law wyll, for the which resceits, whatsoever they be, more or less, the Lord shall resceyve, by the hands of the bailyffs of the Commons of the burgeys, iiijd., in the name of Frupenny.

The Mair of the towne and the localie be enfraunchysed to resteyne oon man to thair fraunchyse, whatsoever he be, the which shall make his othe at his entre to mayntene the fraunchize in all these points. In foste and in hard tendure, the which from that house forthward by the same self franchise shall be quyte of all manr of customs by all England, Wales, and Irelond. By the which receipts in the Fraunchyse aforesaid that no tenem he hath not in the burgh, nor rent whereby he oweth no sute to the Lord, but that he may go and come, and make his merchandize in the fee of the Lord. The Mayr and the Commons aforesaid by the heads of the bailiffs pay to the Lord xiiijs., for all manr of challengs in the name of Forengavel. The Comons have of the Kyng seal yard weight of any manr bushell, and di bushell *(h)*, quart, galon, and potel, and quarte, of the which things the Comons answer before Justices, and before noon other persons, when they be demanded and ever have answered. The Mair and the Comons are to keep the size of bread and of ale, and to judg the payne *(i)* after the King's Statute, saving to the Lord, the punishment for not keeping it. Iff no mark ought to be set within or about the town. The Comons aforesaid answer before Justices in Eyre by xii. of the towne of all things before named, and of all things that touch the King's Crown within the bounds of the towne before named.

Theis franchize aforesaid in all thayr points have the burgeys before named and their ancestors have used and doo use from the furst foundation of the said towne tyme out of mynde, before the Conquest and after peasibly as thair right, without any manr challing or contradiction of any man.

And the names of all those that have entered into the franchyse syns the tyme of Sir Henry Tracey, and have sold dwellnngs, places, herbeges syns the time of Sir Henry Tracey, and who holeth theym, and how much they may be werth by the year.

We say that of the names of these that be entered into the franchyse, which is ours, nothing belongeth to the Lord, nor of them he will to have nothing but the forengavell, the which he shall have of the Commons, as is aforesaid, of selling of places, herbeges, we know noon, that no perfect . . . unto the Lorde for . . . . of any tenement, for no man may by them of the Lorde.

J. R. Chanter.

NO. XXIII.

Early French Inquisition (Continued).

Of tenements seased in the hands of the lord by felons and by defaulte of heires, or by sute, or by any other manner whatsoever it be, and who holds thoes tenements, and how much they be worth by the yere.

William le Graunt, feoffed oon Martyn de la Twychere, in what manner we know not. This Martyn for felony suffered paynes to the dethe. The said William after the deth of the said Martyn entred into the tenement and enfeoffed one Gerveys of Stratton, disceased. He being dead, one Eglise, his wife, hath holden from his dethe until now, and yet kepeth (a place at the west of the house Wegg is sold), and we know not who is heire, and the bailifs pay from yere to yere peny and farthing in the name of Frugavell of their owne . . . . for default of heir and of a tenement to come; more we know not.

And of the names of all bastards that hold tenements by succession of heritage by grece *(k)* of the bailiffs, or by no knowledge, syns the deth of the said Henry, and how much they be worth by the yere, and who holdeth them.

We know noon such in the town beforenemed. And of the names of all the burgeys that hold tenements in ye tyme of Sir Henry Tracy, we say that we know not, nor in no manner can know.

And of the nemes of all the peysants of the lord dwelling in the town, and what tenements they hold, and how much they be worth by yere.

We say that William Wallop, Richard Woodward, Richard Carowe, be bondmen of the lord, and doth sute to the Court of Tawstock, and berith his rent as the other bondmen doo. He holdeth a tenement in the towne, the which is his wife's heritage. Rauff de la Furse was bondman of the lord; he had free state by the sufferance of Sir Geffry de Campvill, heth and holdeth a tenement in the town, which is worth xiis. by year, of the which xiis. we understand that viid. be due to the Chauntry of Allehallows, and xiid. to the Pryor of Pylton, of the right of the peysants of the lord, if there be in the town no herbege *(l)* or recette among them that be aforenemed. Let the lord enquire by his steward, and by his foreign bailiff, and by their homag's and feanty of these peysants in their manners from whence they be issued. And noon other they be for as moch as we know, noon other more than we have beforesaid.

And if noon of the towne bake but at the comon bakehouse of the lorde, and this by the defaut of the lord, for as much as the house and ovens be decayed or broken, and not profitable tc bake yn (the which ovens and hous be worse by xls. of thet they were wont to be), and by means convenable they cannot be amended, for that the lord heth and may have and ought to have baking done at the common bakehouse aforesaid, for the which baking the lord heth taken the value, which is set to be at xls., of xls. the pryor of Pylton teketh xis. for almes of the lord, as we understand, and the hous of the aforesaid bakhous hath ever been and ys the common pryson of the town *(m)* for the pfite of the lord of the town.

And if any man claim or to have franchize within the precincts of the lord's franchize, we say that all thoes thet be tenents in the lordship of the counte of Gloucester claim and on to have franchise in the precincts of the lord's franchise.

And the tenents of the lord of Bydford, in west of the water of Bydyford, clayme franchise, but noon they use or ought to have, as we understand. The tenents of the same lord in the east of the said water clayme and have franchise in the precincts of the lord's franchise.

And all those that be of the fee of Courtney Bemton clayme and have franchise of their entrying northem. Of all things the tenents of the Abbot of Ford and of the Abbot of Clyve, in the same counties of their entrees, clayme and have franchyse and in all other things.

All thoes that hold of the lordship of the lord by homage, claym and have fraunchise of their entrees (except Combmartyn and Southmolton), the which now of late tyme by suffrance, at the desire of the lord, have used fraunchise.

Of culage, that the lord may take of evry ship or boat. The lord shall take culage as we have before sayd.

Of the bridgs and highway, who are to sustain them.

There is rent assigned to the bridge by Sir Henry Tracy. That is to say, vs. xid. of yest lyn and other almes of good people, which they gyve for the pardon that the said Henry Tracy purchased to the same bridge.

The cawssey, between the bridge and Styklepeth, shall be susteyned by a warden. the which shall be chosen by all the Court of Tawstock, which shall go in the contree and ax the almes of good people, whereof he shall susteyne the said highway by his othe, which he shall make in the Court when he is chosen. For the foresaid bridge the Mair and the comons of the towne shall chose ii. burgeys of the towne, which shall receyve the rents assigned to the bridge, and shall ask almes of good people by themselves or by thair messanguers, and shall gyve accomp to the said Mair and commons at their pleasure.

And of the nemes of all thoes that be quyte of customs by see or by land that be foreigns by agreement made with the bailiff or comons of the town, we say we know no such other than be before-nemed, for the which a rent is paid as aforesaid.

Of the estate of the Priory, by whom it was founded, and by whet services, and for how many monks, and how many chepleyns and seculars, and how much their londs be worth in all manner issues. And of thet the Lord ought to have, after every avoidence of the Priory, and yf the Lord may send monk or other secular into the house at his pleasure. And yf he may have his hawks, horses, or doggs abydying at his pleasure, and how long tyme. And if the Prior or his predecessors have sold anything of their londs or taken, to whom or of whom, and of what tyme, and how much they be worth by the yere, or yf they be teken of the lord's ffee.

We say that Juell de Tottones, the son of Alured de Tottones, founded the Priory beforesaid. The appurtenances of the said priory he gave and graunted in pure and perpetual almes, without any reteynment. By how many monks, chepleyns, and seculars, we know not. After evy avoydance the Lord shall send a man into the priory to keep and save the goods of the hous, without taking anything saving mete and drink for the tyme that he abideth there. The Prior of Saynt Martyn shall comand a monk and make him Prior, the which shall bere letters from the Prior and Covent of Saint Martyn aforesaid to the Lord at Barnstaple, and then the Lord shall warn his warden, and the prior shall have the entree unto the priory, that is to say in the temporaltie. And then the same prior shall goo to the Busshop of Exeter with letters of his prior of Saint Martyn to the said Busshop, of whom he shall resceyve the spiraltie of the said priory.

If the Lord ought to have his hawks, horses, and doggs abyding at his pleasure, and how long tyme.

We know of nothing that he may send or have in the said priory, forasmuch as it was founded before.

The prior nor his successors have sold nothing, nor taken of the lands by no manr syns the tyme of Sir Henry Tracy, but to the preferment of the house, nor nothing have taken of the Lord's Fee.

And who and what they have born away tymber or stones from the Castel, and what damage or destruction doon within the Castel after the death of Sir Henry Tracy, by whom and to what damage.

We say that oon Michel the Helyar heth born awey the lead of the Castell in destruction of the Castel, taken without hand, and after dyd in pryson. As to tymber, the lord and his bailiffs gave a quantity of tymber to the Pryor of Pylton, to the value of xs.; of the rest we know no more.

(a) "Hokeday." The second Tuesday after Easter. Matthew Paris used the word as a date in the thirteenth century.

(b) "The thing that the Mayor heth purchased." It appears that the burgesses claimed the Castle Hayes at an early period, which is probably "the thing" referred to.

(c) "The See." The river, as far as the tide extends, was probably so called.

(d) "Furchies Desk." The name still remains in a field called the Forches, near the Cooney Stream, originally called the South Eux, the present name of which appears to have been their word for the bridge, "Cobrygge."

(e) "Laghday." Lawday—the day used in all the old records for the mayor's fortnightly court.

(f) "Ob!" a halfpenny.

(g) "South Eux." This name, applied to Cooney Gut, apparently shows the origin of the name "North Yeo," the two little streams of water being the boundaries of the ancient borough nearly north and south.

(h) "Di." Dimidium, half bushel.

(i) "Payne." Bread. French, *pain.*

(k) "Gree." Permission, satisfaction.

(l) "Herbege." A right to pasture cattle.

(m) "Bakehouse." Up to 1852, when the ancient chapel of St. Nicholas, on the Strand, was demolished, a rough building adjoining, and almost forming part of it, was in existence, used as a storehouse, but which, within the memory of myself, was used as a prison or lock up for vagrants, and in fact was the only prison for them until the new gaol (also since demolished) was erected in the Square. This building was always called the "Bakehouse," and questions were frequently asked as to the origin of the name as applied to a prison. The above record supplies the answer, and also shows the extreme antiquity of the building.

J. R. Chanter.

NO XXIV.

INQUISITION BY THOMAS HOPER, MAYOR, AND TWENTY-FOUR JURYMEN RESPECTING CERTAIN LANDS AND TENEMENTS CLAIMED BY THOMAS CLASCHE.

A.D. 1397.—To all to whom these present letters come, Thomas Hoper, Mayor of the town of Barnastapol, John Putmon, Thomas Holmon, William Skyber, John Pyrkysworthy, John Neel, Robert Meddon, Thomas Josvey, William Mey, Robert Cole, William Moys, Robert Lytyhon, Wm. Kyng, John Moiehey, Richard Bredewyk, John Taylour, of Lycheton, Thomas Putmon, Richard Mylward, Walter Rowere, William Hoper, John Okerugge, John Scotard, Philip Broke, Robert Broke, Walter Cake, greeting in the Lord. Seeing that every Christian, according to the Divine precept, is under an obligation to maintain the truth, and to oppose what is false with all his might, we, therefore, the aforesaid Mayor and the other persons named above, by these presents, testify that John Clasche, the father of the present Thomas Clasche, was never during his life seized in fee as of his demesne of certain lands or tenements in Pulcars, near Barnastapol, of two acres of land in Lycheton, nor of two tenements in Barnastapol, which, by right of inheritance, came to Simon Barre, son and heir of Thomas atte Barre, after the death of Catherine, wife of the aforesaid Thomas and mother of the aforesaid Simon, and that the aforesaid John Clayssh, father of the aforesaid Thomas Clayssh, was never during his life seized in fee as his demesne of a close called Willeclose, with the houses adjoining a piece of land called Sexlond, of a meadow called Hogsmede, in Froggemere-lane, near Barnestaple, of an annual rent charge payable from a tenement now Robert Cole's, in Barum, nor of three acres of land in Frerenclose, in Barum, which, after the death of a certain Adam Palmon, the husband of Katherine Ryche, came to the aforesaid Simon, as the nearest heir of the aforesaid Katherine Ryche; all and singular, which lands and tenements and rent charge the said Simon Barre by his deeds gave and granted to Thomas Hurtescote and John Hunte, his heirs and assigns. In testimony of which thing we have appended to these presents our seals, together with the official seal of the Mayor of the town of Barnastapol. Given at Barnastapol on the eighteenth day of the month of February, in the 21st year of the reign of King Richard the Second after the conquest of England.

An interesting feature in connection with this manuscript is the preservation of the seals appended; twenty-three of them are still perfect, two slightly damaged. This document shows the great antiquity of some of the designations of lands and localities in this borough. The name Pulchrass is still in use, as are Litchdon and Wellclose, the last the field and house of W. O. Smith, Esq., near Crookman's Corner. The name of two of the persons mentioned has also been handed down to the present day, although in a somewhat altered form, viz., those of Thomas de la Barre and his son, Simon de la Barre. The former was mayor of the borough in the years 1324, 1331, and 1335, and the latter in 1359, and from their residence being the principal one in the road leading into the town from the east, the name Barre Street, now corrupted into Bear Street, was conferred upon it. An illustration is afforded by the foregoing verdict of the difference in civil cases between the functions of juries in ancient and modern times. In the present day jurymen are triers of the issue, who found their opinion upon the evidence adduced before them, and the verdict is the declaration of the judgment they have formed. But the ancient jurymen were not empanelled to examine into the credibility of evidence; the question was not argued before them; they, the jurors, were the witnesses themselves, and the verdict *(verdictum)* was substantially the affirmation of these witnesses, who, of their own knowledge, afforded the evidence respecting the facts in question.

A.D. 1358.—Letters patent of King Edward the Third, granting to Peter Waterman four acres of land in Barnstaple with their appurtenances, to be held in capite.

Edward, by the Grace of God King of England and France, and Lord of Ireland, to all to whom the present letters shall come, greeting. Know ye that we have delivered to Peter Waterman and Mabel, his wife, and to Richard, son of the said Peter and Mabel, the custody of four acres of land with their appurtenances in Barnestaple, in the County of Devon, which are held of us in capite, and which, because of the alienation which Walter Sessone and Ellen, his wife, made thereof to Ralph de Wylemere without the licence of the lord Edward the late King of England, our father, came into the hands of our father, and are in our hands, which also, Ralph the son and heir of the aforesaid Ralph, lately held of us in capite by a payment of ten shillings a year; to be held of us in farm from the feast of Michaelmas next, for the term of forty years next following, to be fully completed if the said land for so long a time, by reason of the said alienation or from other causes, shall happen to remain in our hands, on a payment of ten shillings a year at our treasury, that is to say, of one moiety thereof at Easter and the other moiety at Michaelmas.

The Court of the Community of the Borough of Barum held in the time of Roger de Molland, Mayor, on Monday next after the feast of S. Lucy the Virgin, in the 17th year of King Edward the third, after the Conquest, and in the time of Walter Schether, receiver of the said borough.

The names of those taking up their freedom in the time of the said Roger and Walter:

William Ditton took up his freedom, giving the Community security for the sum of 13sh. 4d., whereof he will pay 3sh. 4d. at Christmas, 3sh. 4d. at Easter, 3sh. 4d. at the Feast of the Nativity of S. John the Baptist, and 3sh. 4d. at Michaelmas next ensuing; sureties, Gennanus Arne and Thomas Fardell.

The remaining entries being in similar form, it is only necessary to furnish the names of the persons taking up their freedom, the sums paid by them, and the names of their securities when any are given:

John Cardon, son of William Cardon, gave security for 12d., which he will pay immediately.

William Couling gave security for 16sh.; surety, Walter Marschell.

Adam Neccomb, 20sh.; Robert de Flytngton and John Cardon.

John Vitheler, 23sh. 4d.; Robert Fouker and Thomas Fardel.

Adam de Stanford, 20sh.; Ralph de Smalecombe and Roger de Mollonde.

Thomas Pantorer, 13sh. 4d.; Thomas Fardel.

John Cokir, 30sh.; Robert de Callyngton and Walter de Pilton.

William de Blakepol, 20sh.; Ralph de Smalecombe, John Touke.

Walter Paris, tailor, 20sh.; Thomas Peantore, William de Kyemclonde.

Peter de Boggewille, 20sh.; Peter de Pirkisworth, Robert de Fletyngtone.

John Hende, 20sh.; Walter Saser William Scoler.

William Han paid 36sh. 8d. at once.

Andrew Large, son of Lawrence Large, paid 12d.

Peter Wyndwode, son and heir of Peter Wyndwode, paid 12d.

Durand atte Stone, son and heir of Arnulph atte Stone, paid 12d.

Roger de Uppecote will pay one mark immediately.

John Pedeloner gives security for 40sh., of which 20sh. are remitted to him on the proposal of Thomas Crenthorne; five shillings to be paid at each of the feasts of Michaelmas, Christmas, Easter, and the Nativity of S. John the Baptist.

The order of the Collectors of King Richard the Second's fifteenth to the Mayor of Barnstaple, to levy the contribution in that Borough, A.D. 1484.

Mem.—Elyas Kymbear and his fellow collectors of the fifteenth, for our Lord the King, granted in his Parliament held at New Sarum, on Friday after the Feast of S. Luke the Evangelist, in the seventh year of King Richard the Second, to the Mayor of

the town of Barum greeting. On behalf of the King, we command that you cause the one half of the fifteenth to be levied at Barum, so that we receive the amount before the Feast of the Nativity of the Blessed Virgin Mary, under a penalty of one hundred shillings.

The order contained in the foregoing document, brief as it is, must have caused great anxiety to the people of Barnstaple, and the execution of the order great suffering. For the expenses of his projected invasion of Scotland, Richard the Second ordered a levy of one-fifteenth to be made on his subjects who were householders. This was, it must be remembered, one-fifteenth of the value of their household goods, domestic animals, as horses, cows, and pigs, stock-in-trade, etc. In the detailed lists, met with in some records, we find even such articles assessed as bacon, fuel, saucepans, and silver buckles. Much grumbling is indulged in at the present day about high rates and taxes, and not without reason; but the local and imperial demands do not entail the spoliation which was brought on the community by a demand such as the foregoing.

A.D. 1327.—Release to the Mayor and Corporation from grinding service formerly claimed by the Prior and Monks of S. Mary Magdalene.

To all the faithful in Christ to whose knowledge the tenor of the present writing shall come.

Brother John, the unworthy prior of the Monastery of S. Mary Magdalene, at Barnstaple, and his fellow monks of the same house, wish eternal Salvation in the Lord. Know ye that by the assent and consent of all of us, we have released and quit claimed for ourselves and our successors, to the Mayor and Burgesses of the town of Barnastaple and their successors for ever, the demand for payment under the name of grinding service at our Mills at Barnastaple, which service we have lately demanded and sued for from the said Mayor and Burgesses as due to us. So that neither we ourselves, nor our successors, nor any one by us, or for us, or in our name, shall be able hereafter to demand the aforesaid grinding service from the said Mayor and Burgesses. In testimony of which thing we have had affixed to these presents our private seal and the seal which we use in common, with these witnesses, Sir John Beaumont, Sir Robert Beaupel, Knights, Sir *(i.e.*, the Reverend) Philip, perpetual Curate (Vicario) of Barnastaple, John de Bercadon and Richard Le Wolf, of Kentisbury. Given at Exeter, on Wednesday, the feast of S. Hillary, in the first year of the reign of Edward the Third after the conquest.

This release is written on a small piece of parchment, and is one of the finest specimens of mediæval caligraphy that can be seen. Although five centuries and a half have elapsed since it was penned,

every word, even every letter, is perfectly clear and legible, the ink keeping its colour better than most of that manufactured in these scientific days, and which will preserve its blackness for only half a century.

The Cluniac Priory of S. Mary Magdalene was founded by Judhel de Totnes, to whom William the Conqueror granted the Manor of Barnstaple. The founder conferred on it a large endowment, among other of the properties being the privileged Mill of Barnstaple, now the Town Mills. During the two hundred and fifty years that had elapsed since the Conquest, some free trade notions had spread in the borough, and hence arose the contest between the burgesses and the monks, decided in favour of the popular party with respect to the compulsory grinding their wheat at the Monk's Hill, or otherwise paying an acknowledgment to S. Mary Magdalene's. In this release John Parys, *alias* de Sancta Gemma, as a matter of form doubtless, styles himself the "unworthy prior," and this epithet was due to him, for he scandalously neglected the duty of residence, and was obliged to tender his resignation to Bishop Grandisson, September 29th, 1332.

Among other priors of S. Mary Magdalene was one John Pilton, who died in 1490.

The account of the expenses in connection with his funeral is still preserved, and is as follows:

> The accompte of such monish has hathe bene payde by the convent of S. Mary Magdalene of Barnestaple, for funeral of John Pylton, prior of the sayde convent, thyse 12th day of September, 1490.
>
> Imprimis: We have payde out the sum of £14 8s. 6d. for byldynge hys seypulture, and for makkin hys tumb, £14 8s. 6d.
>
> Item: Mure, we have payede to the pryorey of Pyltone, and to the Muncks thir, to pray for his sole, £5 os. od.
>
> Item: Mure, we have payede for hys cuffyn, etc., the sum of £4, and to the Chauntrye ofe Synt Anne (now the Grammar School) 8sh. 8d. £4 8s. 8d.
>
> Item: Mure, wee have gyven away to pure of the Paroche of Barnestapoll, yn the Church of Synte Petrus ther on Sunday last, £2 3s. 4d.

The last prior, Robert Thorn, surrendered the convent to the King's Commissioners, February 4th, 1536. He survived twenty years after his surrender, for in the parochial register his burial is thus recorded: "February, 1556, Sir Robert Thorn was buried the 16th daie."

Letters patent of Henry the Sixth acknowledging the Burgesses of Barnstaple to be free of toll throughout the kingdom. A.D. 1422.

Henry, by the Grace of God King of England and France, and lord of Ireland, to all and several the Earls, Mayors, Bailiffs, and other of his faithful people, both within liberties and without, to whom the present letters come, greeting. Since according to the custom in our Kingdom of England heretofore obtaining and approved, the men of the ancient demesne of the Crown of England ought to be free from the payment of toll throughout the whole of our Kingdom aforesaid, we command you and the whole of you that the burgesses of the borough of Barnstaple, which is of the ancient demesne of the Crown of England, as appears by a certain certificate sent by the Treasurer and Chamberlain of the late King of England, Richard the Second, and exemplified by letters patent of the same King, shall be free from the payment of toll as their predecessors the Burgesses of Barnstaple were accustomed to be. In testimony of which thing we have caused these letters patent to be issued. Tested by me myself at Westminster on the 28th day of June in the first year of our reign.

The above letters patent are similar in form and tenor to others previously given; but their repeated issue shows how jealously the burgesses of Barnstaple guarded their privileges against, it may be, the attempted encroachments of the sovereigns and his exactors of revenue. On the back of the parchment is given a number of names. These were, doubtless, those of borough officials for various years, but, except in five instances, no clue is afforded as to the offices which they held. They may be interesting, as some of them are still found in the town and neighbourhood: John Joleph, John Sequens, jun., John Smyth, Thomas Libbe, John Sequence, jun., John Davye, John Joleph, William Kevill, John Joleph, William Kevill, John Shute, Thomas Davy, wardens of S. Nicholas, Richard Skamp, weaver, William Reydeoscote, Robert Fenell, wardens of the Torches. The last three would be the custodians for the year of one of the religious guilds of the borough, the members of which contributed annually, some a pecuniary offering, others a quantity of wax to keep lights burning before the high altar of St. Peter's, the parish church.

THOMAS WAINWRIGHT.

Grammar School, Barnstaple, May 8th, 1879.

NO. XXV.

A Stray Leaf from the Court Book of 6th Edward III., 1333.

Inquests, &c.

It happened in the hundred of Brantone, in the borough of Barum, on Monday, the feast of S. Barnabas the apostle, in the 6th year of Edward [III.], that Alice, daughter of Robert Damert, of Brantone, aged two years and a half, in the house of John Pollard, accidentally fell into a certain vessel of hot water, and died from the same on the following Tuesday, and was found by Thomas Crose, who raised the hue and cry; whereupon her aunt came, and the corpse being viewed by Elias de Fillegh, coroner of our lord the King, he held an inquest by twelve free and lawful men of the said hundred, and by the tithing men of Bradeford, Pillande, Asford, Ralegh, and the aforesaid discoverer found sureties, viz., John Pollard and William le Cosser, and the said vessel was appraised by Bernard de la Bogha, John de Knolle, Walter le Kynt de Yendecot, and Paganus de Mollecot, at three pence.

It happened in the hundred of Brantone, in the borough of Barum, on Wednesday after the feast of S. Barnabas the apostle, in the 6th year of the reign of Edward [III.], that William Row, William Ribild, and John Conner, were hired to work at the Long Bridge of Barum in bringing stones in a certain boat to repair the aforesaid bridge; who, wishing to cast out a great stone, placed it on the edge of the boat, and through the weight of that stone the said boat overturned in the water and immediately sank. The said William Row being found by his wife, she raised the hue and cry, at which came the father of the aforesaid youth, William Row, and William Jurden. And the aforesaid William Ribild was found by William Blonwer, who raised the hue and cry, at which came the father of the aforesaid finder, Gilbert Gale, and Humphrey Speare. And the said John Conner was found by Alice, his wife, who raised the hue and cry, at which several persons came. The corpses were viewed by Thomas de Filleigh, coroner of our lord the King, who held an inquest by twelve free men, jurors of the said hundred, and by the four tithing men of the neighbourhood, namely, those of Ralegh, Pillande, Assford, and Bradeford; and the said finder Alice brought as sureties John Marschall and Adam de Lashille. The said boat was appraised by the aforesaid twelve jurors at three shillings, the oars which were in the boat at one half-penny, and the nets at one penny, for which the borough of Barum will be answerable. In the boat there were also Richard Wad, John Bolewyn, and Clement Dreghe, who alone escaped.

From these inquests it will be seen at what an early time it was established as a principle in this country that anything by which a human being had come to a violent end was "*Deo dandum*," to be given, or, rather, forfeited, to God. In the most ancient periods of English history this *deodand* was to be sold or redeemed, and the price distributed to the poor for the soul of the king, his ancestors, and all faithful people departed this life. It will be observed that in every instance the name of the person raising the hue and cry is given. As a specimen of the shocks which have to be endured by a classical reader of these mediæval manuscripts, it may be mentioned that the words expressing this act are not, as might be expected, "*clamorem sustulit*," but "*huetesiam levavit.*"

The Court of the borough of Barnestaple, held Wednesday after the feast of S. Ambrose, in the 6th year of Edward III., for jail delivery, Jordan de Pristetone appeared against Thomas de Poldeford and charged him with the stealing a horse which was in his custody, and found as sureties in ten shillings Roger de la More, Adam de Chilletone, Walter de la Heghen, and William Bal. Thereupon the said Jordan declared that on the night of Saturday before S. Ambrose's day this year, de Poldeford came to his dwelling of Prustone, and there sold the said horse and feloniously led it away to the town of Barum. The father of the said Jordan also stated that the defendant committed the felony charged. Thereupon the said Thomas denied the alleged offence, and said that he bought the horse in Toritone market of a certain William Trippe, of Stouford, on the Saturday named for seven shillings, which he paid to the said William Trippe, and moreover that he paid the toll for the same to a certain William de Dene, provost of the aforesaid borough, which provost, having come forward, testified that he received one penny for toll. Upon this William Trippe was brought forward upon a warrant and denied that he ever sold the horse to the defendant. The jurors, namely, William de Dene, Roger Durant, David de Cloteworthy, Walter de Fremington, Robert Carel, Walter de Bratton, Peter de Ralegh, Gennanus Dirna, John de Colecote, Edmund Coffyn, Nicholas de la Pille, William le Vosser, say on their oath that William Trippe stole the horse from William Jurdan and sold it to the aforesaid Thomas de Poldeford for seven shillings, which de Poldeford paid him; and therefore it is ordered that the said Jurdan should have judgment in his favour and receive back the horse, and that the aforesaid Thomas de Poldeford bought the horse of William Trippe, the thief, who is therefore fined, and found securities William de Sooster and John de Colecote.

Cases brought before the Mayor's Court.

In the Mayoralty of Symon de la Barre, in the 30th year of King Edward III., A.D. 1357.

On Sunday after the feast of S. Gregory, in the aforesaid year, the house of Richard de Cloteworth was forcibly entered, and a box being burglariously broken, some silver was stolen and taken away, to the value of forty shillings.

On the night of Tuesday after the feast of S. Vincent, in the 30th year of the reign of King Edward III., Margery de la More was at Chilmelegh, at the house of John Brues, and Elizabeth, daughter of Symon Ward, of Smithcote, with her, which Margery was found afterwards at Barum in the waters of the Taw on the Wednesday following, being the feast of S. Benedict in the year aforesaid, and was seen by Thomas de Filleigh, the Coroner, on the Monday following, who held an inquest by twelve freemen of the hundred of Braunton and four tithing men of the neighbourhood, namely, of Bradeford, Godeloghe, Pilland, and Asford; but the means by which she came by her death could not be found out except only that she was drowned. The matter must be investigated elsewhere, and more thoroughly.

On the night of Tuesday before the feast of S. George, in the same year, Thomas le Childe, of no good memory, rose from his bed, went to the bridge of Barum, leaped into the water, and drowned himself.

Memorandum, that John Roc was locked up in prison at Toriton on Saturday the feast of S. Michael, in the 30th year of King Edward [III.], and on the following day broke prison and escaped to Barum, where he was captured on the suit of Robert Binorthewode, tithing man of Toriton, and by the Court committed to prison.

On the night of Sunday the feast of the Epiphany, in the 31st year of Edward [III.], the house of Thomas Gennan, in Maidene Street, was broken into, and hides taken away feloniously to the value of . . .

On Monday after the feast of S. Ambrose, in the year abovesaid, a dispute arose between Gilbert Godalo and Hugh, the son of Matilda de la Crosse. The said Hugh struck the said Gilbert on the head in malice, whereof Gilbert died on the Friday following, and was found by . . ., who raised the hue and cry. The corpse was seen by John de Lancel, coroner of our lord the King, who held an inquest. Thereupon the said Hugh took flight, and was no more seen.

It happened on the night of SS. Philip and James, in the same year, that a certain John Martin was accidentally drowned in the River Taw, and carried by the current into the liberty of South Molton, and there found by Henry Pollard, and was seen by Thomas de Filleigh, Coroner.

On the night of Wednesday, the feast of the Assumption of the Blessed Virgin Mary, in the year above mentioned, the shed of Richard Cancock was broken into, and goods carried away feloniously to the value of forty shillings.

A certain Matilda Perdome accidentally fell into a tun full of hot water on Saturday on the feast of S. Matthew the Apostle in the above year, and died the Monday following, and was found by Eva de Hayle, who raised the hue and cry; and an inquest having been held by the King's Coroner, John de Lancel, the tun was valued at 6d.

Acknowledgment of King Richard II. that He Owes Forty Marks to the Burgesses of Barnstaple, A.D. 1399.

Richard, by the grace of God King of England and France and Lord of Ireland, to all to whom these presents shall come, greeting. Know that since the good men of the town of Barnstaple have freely and without reward lent us the sum of forty marks sterling, we for the security of the same good men with respect to the repayment of the said sum acknowledge by this writing that we owe them the forty marks, which we promise to pay them within a fortnight of next Easter day. (Literally within the quindena, that is between the eighth day before and the eighth day after Easter day.) In testimony of which thing we have caused these letters patent to be made out. Tested by me myself at Westminster, on the second day of October, in the 21st year of our reign.

One Year's Rent of the Butchers' Stalls, Temp. Ed. III.

	s.	d.
Received from William Skynner ...	5	0
,, ,, Thomas Venner ...	3	6
,, ,, John Douneman ...	4	0
,, ,, John Ponchard ...	8	0
,, ,, Robert Venner ...	6	0
,, ,, Walter Roser ...	5	0
,, ,, John Ackelane ...	3	6
,, ,, William Perys ...	3	6
,, ,, Robert Yoldelond alias Come	7	0
,, ,, Robert Pynter ...	4	0
,, ,, William Smythston	2	6
,, ,, William Yeamund ...	1	8
,, ,, John Hucheton ...	3	4
,, ,, John Sage	3	4
,, ,, John Beapul ...	3	0
,, ,, Richard Wyndewode	3	9
,, ,, John Burell	3	0
,, ,, Henry Shote	3	8
,, ,, Alexander Stone ...	6	0

	s.	d.
Received from William Crosteman	4	0
,, ,, John Hundcote ...	3	4
,, ,, Thomas Yelers ...	5	0
,, ,, John Berefeld ...	8	0
,, ,, John Page	3	0
,, ,, Thomas Kinge ...	3	4
,, ,, Silvester Whyte ...	2	0
,, ,, Thomas Burde ...	4	0
,, ,, Thomas Ponchard...	3	4
,, ,, John Burgeys ...	3	4
,, ,, John Frene	2	0
,, ,, William Venner ...	3	8
,, ,, John Golde	3	4
,, ,, John Golde, jun. ...	1	8
,, ,, John Downe ...	2	0
,, ,, John Colyar... ...	2	0
,, ,, Thomas Shykye ...	2	0
,, ,, John Peryn	1	8
,, ,, John Shyppearde ...	1	4

At the Law Court held at Barnestaple on Saturday after the feast of SS. Tiburtius and Valerian, in the fifth year of King Henry IV., an inquiry was held before that discreet man William Burleston, Seneschal of Sir John Cornwayle, knight, lord of Barnstaple aforesaid, because Walter Spencer, a burgess of that town, maliciously slandered Thomas Hurtescott respecting divers points and

matters, declaring that the said Thomas Hurtescote, being a rebel against our lord the King, brake his statutes and disturbed his peace, as well as that he committed other enormities, saying that whereas the said Thomas Hurtescote, being the Mayor, ought to have imposed fines on bakers of the town for their default in respect of their bread deficient in weight, he instead thereof took the bread for his own use, and imposed no fines. Also that whereas it is ordered that salt shall be sold at 16 pence a bushel, the said Mayor charged 2 shillings a bushel. Also, whereas it is ordered that wine shall be sold at 6 pence and 8 pence a gallon, the said Thomas Hurtescote sold wine at 10 pence a gallon. Also, whereas it is ordered that a gallon of ale shall be sold for three half pence, the said Thomas Hurtescott sold it for two pence. Also, that the said Mayor did aid and comfort one Owen Glendower, a rebel against our lord the King by sending him supplies. Also, that with the consent of the Vicar of the parish and of other ill-disposed persons, he did expel the aforesaid Walter Spencer from the parish church on Easterday last, because he was not willing to submit to their extortions and pay the fine of 40 shillings. Whereupon the Mayor and bailiffs of the said town came before the Seneschal, William Burleston, and returned the following names as jurymen, namely, Henry Ridewene, John Simon, John Gribbell, John Bacon, jun., John Shote, William Galdesore, Richard Conscote, Nicholas Boghe, John Okyrigge, Walter Whivy, John Tanner, William Greye, who on the aforesaid Saturday, being examined on the above matters and required on their oaths to give a true verdict, say that the aforesaid Thomas Hurtescote is not guilty with respect to any one of the matters charged against him; and they say that Walter Spencer made these charges from his own malice and wickedness, and not in the service of the King. In testimony of which thing the jurymen appended their seals.

From the foregoing document it would appear probable that some of the inhabitants of Barnstaple had taken a part in the rebellion against Henry IV., which was crushed as regards the South of England in the battle of Shrewsbury.

THOS. WAINWRIGHT.

Grammar School, Barnstaple, May 24th, 1879.

WORDSWORTH
LIBRARY

NO. XXVI.

The very general recognition of the antiquity of Barnstaple as a borough, and more especially its position with respect to representative English history, depends principally on its supposed connection with King Athelstan of famous memory, which modern investigators have pronounced to be without sufficient evidence. It was, however, the subject of considerable discussion by some of the most eminent writers on mediæval English history. The tradition, as handed down and adopted by most of our local and county historians, runs: "That Athelstan, after defeating the Danes, and driving the ancient inhabitants of Damnonium beyond the Tamar and into the deserts, took up his abode for a time in the Castle of Barnstaple, and bestowed upon the place divers rights, liberties, freedoms, and immunities." These rights were mainly those of self-government and freedom from the control of the feudal lords, and also of being represented in the Saxon Witan and the Concilium Regis. The uncertainty as to the exact constitution of these bodies has led to a vast amount of learned discussion and array of evidence, in which the claims of the borough of Barnstaple have been so fully discussed by such eminent men as Sharon Turner, Hallam, Browne Willis, and Lord Lyttelton, as to cause the name of the borough to be almost a household word to students of such matters.

No actual Charter of Athelstan is in existence, or has ever been proved to have existed; but our predecessors, from the twelfth century downwards, appear to have entertained the belief, and stood up stoutly in support of their assumed rights under it, whenever attempts were made by either the feudal lords or the Royal Prerogative to lessen or impair them. The copies of inquisitions, exemplifications, court extracts, and other documents in the borough chests —some of which are printed in the present series—were no doubt obtained by the burgesses, to be used as evidence on the occasion of some of these contests; and though they were never able to adduce any actual proof of Athelstan's supposed charter, they succeeded in maintaining for themselves the right of self-government, of representation, and most of the other privileges they claimed, and, as has been observed: "We are to them indebted as a nation for perhaps the best evidence the archives of the kingdom afford, that any of the cities or boroughs of England had a voice in the Parliamentary Assembly of our Saxon ancestors."

The nature of these claims and privileges, and the authority on which they finally rested, are so little known to the present generation of our townsmen, but are so essential to be known in order

fully to appreciate the position of the borough in early times, the results of the discussions referred to, and also the records already printed, that, although rather long and showing much repetition, it may be well to give them in the same series with the others. They consist of three inquisitions, all taken under writs from the Crown in the reign of Edward III., and within four years of each other —the two first on the petition of the burgesses, asking to have their privileges, under Athelstan's assumed charter, which they stated to have been lost, confirmed by a new charter probably on the occasion of renewed disputes between them and the lord of the castle; the third apparently instigated by the lord himself, though under a writ *ad quod damnum*, alleging loss and injury to the Crown.

They are all in Latin, and are all to one purport, the two subsequent being, in fact, new trials or appeals The first was held at Southmolton, but the award proving unsatisfactory to the burgesses, they subsequently, and without any reference whatever to the one taken three years previously, obtained another inquisition by letters patent, whereon an inquiry *de novo* was held at Barnstaple itself, the finding on which was entirely in favour of the town, to which, no doubt, the lord whose authority and claims were rejected or diminished in turn objected, alleging that it had been "unduly and artfully obtained."

Probably the Capua-like allurements of the borough had somewhat influenced the inquisitors and jurors, and he procured a third and final inquiry, which was held at Easter the following year at Chepin Toriton (Torrington), which ignored the Charter of Athelstan altogether, and most of the privileges claimed. As the preamble of the writ *ad quod damnum* sets out the circumstances it is here given in full, the previous ones being somewhat condensed.

Notwithstanding this latter inquisition finding most of the matters submitted to them in favour of the lord and against the burgesses, the latter appear to have persisted in their claims, and to have persistently stuck to the previous inquisition, held at Barnstaple, as there are not only several copies of it in the chests, and frequent references thereto, but they somehow got it printed as a Parliamentary paper, many of the printed copies in existence being endorsed: "The Commission and Inquisition temp Edward III. taking notice of King Athelstan's Charter to the Burgesses of Barnstaple," altogether ignoring the latter or Torrington inquiry.

It also appears from the early records of the Mayor's Court that the claim of deciding pleas before the mayor was never abandoned or curtailed. The right of self-election of mayor and coroner was also continuously exercised, and their independence of the sheriff of Devon persistently maintained, and, ultimately, almost all the contested privileges were confirmed by Royal Charters. Our Saxon predecessors certainly made a stubborn resistence to their Norman lords.

It seems from the writ under which the first or Southmolton Inquisition was held, and which is tested by Edward Earl of Chester at Shutteley, the 23rd June, 14th Edward III., that a still earlier inquiry on the same matters had been entrusted to Hugh de Courtenay, Robert de Horton, John de Stonford, and Matthew de Cranthorn, which proved abortive from their having refused or neglected to act—alleging other duties. The writ in question appoints Hugh de Courtenay, the younger, Hamon de Dereworth, and Henry Power, to be commissioners jointly with John de Stowford, in the place of the former ones, to make the inquisitions by jurors in the presence of the sheriff of the county.

Southmolton Inquisition XIV. Edward III.

Inquisition taken before Hamon de Dyreworth and Henry de Power, in the presence of John de Ralegh de Charles, sheriff, at Southmolton, on Friday next after the feast of the Assumption of the Blessed Virgin Mary, in the year of the reign of King Edward 3rd, after the conquest the 14th, but of France the 1st, by the oaths of John de Luscote, Richard de Whytefield, William de Millicote, Walter de Pillond, Baldewin de Ackelane, Roger de Frenshelton, Thomas de Hele, Oliver de Cloteworthy, Richard de Cadebury, Henry atte Wode, William Gyrslistor, and Richard de Bellamont, who say:

That the town of Barnestaple is a borough, and the burgesses of the said town ought not, nor have hitherto used, to bequeath their tenements in the same borough in their testaments.

And also they say that they may elect a Mayor from among themselves yearly, by license of the lord of the town aforesaid.

Also they say that all pleas touching the said borough and suburbs ought to be pleaded before the steward of the lord of the town, and not before the Mayor of the said town, nor have been hitherto so accustomed.

Also they say that to every Parliament they were used to send 2 burgesses for the Commonalty of the said borough.

Also they say that in all taxations and subsidies heretofore granted to our Lord the King and his progenitors, they have been, and hitherto were used to be, taxed by the chief taxers of the county, and not by themselves. But whether they ought to be quit of pontage, passage, murage, pavage, lastage, archerage, standage, and pickage throughout the whole kingdom they know not.

Also they say that the lord of the town aforesaid hath, and ought to have, the amending of the assize of bread, and ale in the same borough and suburbs, and the assay of measures and weights, and also the Pillory and Tumbrell, and that he and his ancestors have been accustomed to have the same, and not the burgesses.

Also they say that nothing did appear to them, from the Charter of the Lord Athelstan, heretofore King of England, concerning the different liberties or customs aforesaid as they affirm, granted to the said burgesses or their predecessors.

Also they say that if the said liberties newly prayed, as in the commission to us directed is contained, should be granted to the said burgesses, it will be to the damage of our Lord the King by the year £10; to the damage of Philip of Columbar, and Alainor, his wife, and the heirs of the said Alainor, by the year 40 marks; and to the damage of the Abbott of Clyve by the year, 40 shillings; and to the damage of the Bishop of ——, 40 shillings; and to the damage of Ranulph de Blancminster, lord of Heanton, by the year 40 shillings; and to the damage of Robert Beaupel by the year, 6 shillings and 8 pence; and to the damage of Walter de Raleigh by the year, 6 shillings. In witness whereof the said jurors have affixed their seals.

Letters Patent XVII. Edward III.

Edward by the Grace of God King of England and France and Lord of Ireland, to our dearly beloved and faithful John de Stouford, Hamon de Derworthy, John de Baumfield, and Richard de Hawkestan greeting. Our burgesses of the borough of Barnstaple have been suppliants by petition presented before us and our Council, that forasmuch as the borough aforesaid hath been time out of mind, and still is, a free burgh, and the same burgesses, and their ancestors and predecessors burgesses as aforesaid, have always hitherto by virtue of a Charter granted by our Lord Athelstan of famous memory, heretofore King of England, our progenitor, used and enjoyed divers liberties, immunities, and free customs, which relate to a free borough, from the time of making the said Charter, and still do enjoy and use the same in these respects, to wit:

That there may be granted to them the right to bequeath their tenements in the said borough by their last will and testaments to whom they will.

And to choose from among themselves a Mayor before whom all pleas relating to the same borough and suburbs shall be pleaded and determined.

And to send 2 burgesses for the Commonalty of the said borough to each of our Parliaments, and those of our predecessors.

Also to be taxed by themselves, and not with foreigners, in all taxations and subsidies granted aforenow to us, or our progenitors, formerly Kings of England, by the citizens and burgesses of the realm.

And to be free, as heretofore, from pontage, passage, murage, pavage, lastage, anchorage, standage, and pickage throughout the kingdom.

And to have the regulation of the assizes of beer and bread consumed in the said borough and suburbs, and also the assize of measures and weights.

Also a tumbril and a pillory.

And that we would be pleased to ordain the free liberties and customs aforesaid, by the said Charter more fully explained, and cause them to be reduced into a new Charter, because the said Charter is as they affirm casually lost, and that by our special favour we would grant further into them that they, their heirs, and successors, may have full return of all writs and summonses of us or our heirs in the said borough or in the suburbs of the same.

Also that our Sheriff of the County aforesaid, or any other bailiffs or ministers of us or our heirs, may in no wise enter into the said borough by virtue of his office, to do or execute any writ or summons in the said Borough, unless it be by the neglect of the Mayor and bailiffs of the Borough aforesaid, and they may elect and establish out of themselves a Coroner by the writs of us or of our heirs, to do and execute the office of a Coroner in the said Borough, and that they, their heirs and successors, burgesses of the said Borough, may have one fair every year in the said Borough, that shall last four days, to wit, on the eve and on the day of the Blessed Mary Magdalen and for two days next following. And that they be not put upon Assizes, Juries, or any Inquisitions with foreigners nor foreigners with them.

We being willing to be certified more fully upon the premises, and further, if the supplications of the said burgesses may be granted and kept in this behalf without damages or prejudice to ourselves or any other, do appoint you three, or any two of you, to inquire by the oath of honest and liege men of the said county, by whom the truth of the matter may be better known in the presence of our Sheriff of the said county by you three, or two of you, to be summoned.

If the said burgesses have used and enjoyed the said liberties granted by the said Charter of Athelstan, as aforesaid, and if the Charter in the form aforesaid hath been lost.

Also, what damage or prejudice to us, or any other whatsoever, would accrue if we grant anew the said liberties granted to the said burgesses by the aforesaid Charter of Athelstan as they assert. Also if we allow by our Charter the said liberties by them asked afresh as above set forth to be possessed for ever.

And, therefore, we command you that, on certain days and places, which you shall appoint for this purpose, you will make such Inquisition, and do such things upon and touching the premises as aforesaid, and that you return such Inquisition with-

out delay, fitly and distinctly written, under the seals of you three or two of you, with this writ. Usual Venire to Sheriff to summon a jury. Witness curators at Westminster, the 18th May, in the 17th year of our reign of England, but in the 4th of France.

Barnstaple Inquisition XVII. Edward III.

Inquisition taken at Barnstaple before before Hamon de Dereworthy and John de Baumfeld, Justices of our Lord the King, for taking such Inquisition with John de Stowford and Richard Haukeston, in the presence of Walter de Horton, Sheriff, on the eve of the Sabbath next after the circumcision of our Lord, in the 17th year of the reign of Edward III., by the oaths of Richard le Wolf, John Passelewe, Richard de Lokkesore, John Warde, Richard de Whitefield, William Golde, William de Loriawell, John Noreys, William Tappelegh, Richard de Brademor, Richard Atte Hill, and William Atte Beare, who say upon their oath:

That the Borough or Barnstaple now is, and always was, time out of mind, a free Borough.

Also they say that the Burgesses of the Borough and their ancestors have used and enjoyed, and as yet use and enjoy, divers liberties and free customs by the Charter of the Lord Athelstan, of famous memory, late King of England, Progenitor of the Lord the King that now is, that relate to a free Borough, and have always hitherto, from the time of the making of the said Charter, used and enjoyed, and as yet do use and enjoy them; to wit, the right to bequeath their tenements in the said Borough and suburbs of the same by their last will and testament to whom they will, and to have all pleas touching the said Borough and suburbs of the same pleaded and determined before the Mayor and the Steward of the Lord of the Borough.

And to send to every Parliament of the Lord the King two Burgesses for the community of the said Borough.

Also to be taxed by themselves and not by foreigners in all taxations and subsidies to the said Lord the King, or his Progenitors, lately Kings of England, granted aforenow by the citizens and burgesses of the said Kingdom, and from Pontage, Passage, Murage, Pavage, Lastage, Anchorage, Standage, and Piccage, throughout the whole Kingdom of England, hitherto to have been free; and to have been accustomed to have a Regulation of the Assize of Bread and Beer consumed in the said Borough, and suburbs of the same, and Assize of Weights and Measures.

Also a Tumbrell and Pillory.

Also they say that the said Charter containing the aforesaid Liberties and Customs granted to the said Burgesses by the said Lord Athelstan, hath been casually lost.

Also they say that it is not to the damage or prejudice of the Lord the King, or anybody else whatsoever, if the said Lord the King grant by his Charter all the said Liberties to the said Burgesses, their heirs and successors, contained in the said Charter of Athelstan before granted.

Also they say that it is not to the damage or prejudice of the Lord the King, or anybody else, if the said Lord the King grant for himself and his heirs to the said Burgesses, their heirs and successors, full return of all writs and summonses touching the said Borough and suburbs of the same, so that the Sheriff of the Lord the King of the County aforesaid, or any other bailiff or Minister of the Lord the King and his heirs, by virtue of his office, may in nowise enter the Borough to do or execute any writ or summons in the said Borough and suburbs of the same.

Nor if they elect out of themselves a Coroner by the writs of the Lord the King, or of his heirs, to do and execute the office of a Coroner in the said Borough and suburbs of the same.

Nor if the Burgesses have one Fair in the said Borough every year, that shall last four days, to wit, on the eve and on the day of the blessed Mary Magdalen, and for two days next following.

And if they be not put upon Assizes, Juries, or other Inquisitions with foreigners, nor foreigners with them.

In testimony whereof to these presents, the seals of the said Jury to the said Inquisition are affixed.

Dated at Barnstaple, the day and year abovesaid.

Fort Hill, Barnstaple. J. R. Chanter.

Endorsement.—Because it has been found by another Inquisition attached to this that great injury would arise to the King and others if the things asked for in that Inquisition were granted, therefore it is ordered that nothing shall be done until the king and his Council have been consulted.

Afterwards by another Inquisition attached to this it is found that great injury and loss would fall to the King and others if the things asked for in that petition were granted; therefore it is ordered that nothing shall be done in the matter without the special order of the King and the assent of those whom the foregoing matters concern.

Thos. Wainwright.

XXVII.

Writ ad Quod Damnum, XVIII. Edward III.

Edward, by the grace of God King of England and France, and Lord of Ireland, to his beloved Henry Power, Adam le Bret, John de Ralegh de Charles, and Richard de Coumbe, greeting. Although by a certain inquisition, at the request of the men of Barnestaple, in the county of Devon, asking of us divers liberties to be granted them, to have to them, their heirs and successors, men of that town, for ever, taken under our writ, it was found that the Burgesses of the said town ought not, nor have hitherto been accustomed, to bequeath their tenements in the said Borough in their wills, and that they might elect a Maior of themselves with licence of the lord of the said town, and that they ought to plead and determine all pleas touching the said town or borough before the steward of the lord of the said town, and not before the Mayor of that town, nor have they been hitherto accustomed to, and that in all taxes and subsidies granted to us and our progenitors by the citizens and burgesses of the Kingdom of England, they are taxed, and hitherto were accustomed, by the capital taxers of the county aforesaid, and not by themselves, and that the lord of that town hath and ought to have amends of assize made of bread and beer in the same town or borough and suburbs thereof, and assay of measures and weights, and a pillory and tumbrell, and he and his ancestors were hitherto accustomed to have those things, and not the burgesses aforesaid, and that nothing appeared of the Charter of King Athelstan, heretofore King of England, whereby the said burgesses pretend that certain liberties were granted unto them, and that if the liberties so lately requested should be granted to the said burgesses or their successors, it would be to our damage by the year ten pounds, and to the damage of the lord of the said town by the year forty marks, also to the damage of the Abbot of Clyve, the Bishop of Exon, Ralph de Blancminster, Robert Beaupel, and Thomas Raleigh, to very large sums of monies. Yet because, on the behalf of some of the men of those parts, as well for our right and advantage, as for the right and indemnity of those who insist on them, we are given to understand that the aforesaid men of the said town, artfully and craftily busying themselves about those things which by the inquisition before named were found to be to our damage and prejudice, and the damage and disinheritance of the lord and other persons aforesaid, have deceitfully procured another

inquisition by our commission to be taken, not mentioning the first inquisition, or what things were therein contained; those whose right and prejudice the said business specially concerned being absent and not called upon, by which the contrary of those things in the said first commission contained are said to be expressly found, asserting, moreover, besides these things, that it is not to the damage or prejudice of us or of any other person if we grant to the same burgesses and their heirs and successors full return of all our writs and summonses touching the aforesaid borough and suburbs thereof, so that the sheriff for our county aforesaid or any other bailiff of us or our heirs can in no wise enter that borough to do and execute his office by reason of writs or summonses of this kind in the borough aforesaid and suburbs thereof, unless in defect of the mayor and bailiffs of the same borough, nor that although they might elect and create a coroner of themselves by writ of us and our heirs, to do and execute the office of coroner in the said borough, nor that although the burgesses of the borough aforesaid may have one fair in the aforesaid borough every year, to last by four days (viz.) in the eve and in the day of the blessed Mary Magdalene, and by two days next following, and although they should not be put with foreigners, nor foreigners with them, in Assizes, juries, or inquisitions, we thinking that liberties of this kind cannot be granted to the men aforesaid without our great prejudice and damage, and the damage and prejudice of others, especially as the said town is held of us *in capite*, and the custody of same might be devolved to us and our heirs, and the farms of the county aforesaid in part be diminished, and other disadvantage happen, as well to us as others, and we, being willing under that pretext to be more fully informed of these things, have assigned you three, and two of you, to inquire by the oath of good and lawful men of those parts, by whom the truth of the matter might be better known, in the presence of those whose interest and whom the premises might concern, by you three and two of you to what damage and what prejudice or disadvantage of us, and to what prejudice, damage, and disadvantage of others, it would be, and how and in what manner, if the liberties aforesaid were so granted by us to them, and if the town is held of us *in capite*, as it is said, or of any other, and by what service, and how and in what manner, and of all other circumstances touching the same business. And therefore we command you that at a certain day and place, which you three or two of you shall for this purpose appoint, you shall make that inquisition upon the premises and touching these things in form aforesaid, and send it to us without delay, distinctly and aptly made under the seals of three or two of you, and the seals of them by whom it shall be made, and also this writ. For we have commanded the sheriff of our county aforesaid, that at a

certain day and place, which you three or two of you shall make known to him, he shall cause to come before you three or two of you such and so many good and lawful men of his bailwick by whom the truth of the matter in the premises may be better known and enquired into. In witness thereof we have made these our letters patent. Witness myself at Westminster, 20th day February, in the year of our reign of England the 18th, but of our kingdom of France the 5th.

RETURN TO ABOVE WRIT ENDORSED THEREON.

We, Adam le Bret, John de Ralegh de Charles, and Richard de Coumb, have diligently inquired into all the tenor of the writ, which said inquisition we send to you, endorsed on this writ, with our seals and the seals of those upon whose oath it was made. And Henry Power was elsewhere employed upon our lord the King's business, that he could not concern himself in taking this inquisition.

TORRINGTON INQUISITION, XVIII. EDWARD III.

An inquisition taken at Chepingtoriton, before Adam le Bret, John de Ralegh de Charles, and Richard de Coumbe, justices of our lord the King to take that inquisition, together with Henry Power, on Friday in Easter week, in the year of the reign of King Edward III. after the Conquest the 18th, but of his kingdom of France the 5th, upon the oath of William de Tottescombe, John Lobbe, Thomas Coffyn, William de Trendelisho, Reginald de Northcote, John de Lockishore, Thomas Gay de Bolleworthy, Richard de Collegh, Adam de Seteburgh, Humfry Botiller, Richd. de Boghdon, and Walter de Litlewere, who say upon their oath

That the town of Barnstaple is a borough, and that James de Audlegh holds the said town of the lord the King *in capite*, and that the burgesses ought not and have not been hitherto accustomed to bequeath by will their tenements in the same borough.

And they also say they may elect a Maior of themselves, with licence of the lord of the said town, and say that they have not a charter of our lord the King, nor of his progenitors, to make such election. They also say that all personal pleas touching the same borough ought, and hitherto have been accustomed, to be pleaded and determined before the steward of the lord, and not before the Maior of the said town, nor the bailiffs.

Also they say that in all taxes and subsidies heretofore granted to our lord the King and his progenitors, by the citizens and burgesses of the Kingdom of England, they are taxed, and hitherto have been accustomed to be, by the capital taxers of the county of Devon, and not by themselves.

Also they say that the lord of that town hath and ought to have amends of assize made of bread and beer in the said town or borough and suburbs thereof, and assay of measures and weights, and a pillory and tumbrell, and he and his ancestors have hitherto been accustomed to have them, and not the aforesaid burgesses.

Also they say that nothing appears nor did appear to them of the charter of Lord Athelstane, heretofore King of England, by which the same burgesses pretend that certain liberties were granted to them and their predecessors.

Also they say that if our lord the King grants to the said burgesses full return of all his writs and summonses touching the said borough and the suburbs thereof, so that the sheriff of the county aforesaid, or any other bailiff or minister of our lord the King and his heirs, can in no wise enter that borough to do and execute his office, by reason of writs and summonses of this sort in the borough aforesaid, and suburbs thereof, unless in defect of Maior and bailiffs of the same borough, that it will be to the damage of our lord the King annually of ten pounds, and that it will be to the damage of the Abbot of Clyve by the year forty shillings, who holds of our lord the King the Manor of Braunton at fee farm by paying therefore by the year at the Exchequer of our lord the King £22 and 10 shillings.

And the said town of Barnestaple is parcell of the said hundred. Any say that the bailiffs of the said Abbot of the hundred aforesaid do make, and have hitherto been accustomed to make, summonses, attachments, distresses, and executions of judgments of the court of our lord the King, and of his writs, and of the county aforesaid. And if the hundred aforesaid shall hereafter come into our lord the King's hands, it will be to the damage of the said King by the year 40 shillings.

Also they say that it is to the damage of the Prior of Mary Magdalene by the year ten shillings, which Prior hath a demesne in the said borough and suburbs of seventeen tenements, which are parcell of Bradeford, and the same is parcell of the hundred aforesd. And they say that the said Priory is now in the King's hands. They say also that it is to the damage of the said Abbot, farmer of the hundred aforesaid, by the year 6s. 8d.

Also they say that Robert Beaple, knight, hath in the said suburbs a certain fee, which is called Hogges fee, and of it are held likewise twenty-six tenements. He hath likewise his court from three weeks to three weeks. And they say that it is to the damage of the said Robert yearly 20s.

Also they say that if our lord the King grants to the said borough that they annually may elect and create a coroner of themselves, it will be to the damage of the said lord the King yearly 10 pounds, and to the damage of the community of that

county a thousand pounds, inasmuch that in the said town are many malefactors and disturbers of the peace of our lord the King, for that there is the common passage of the men of those parts through the middle of the town aforesaid.

Also they say that the lord of said town hath likewise his market on Wednesdays and Fridays in every week.

Also that if the said lord the King grants to the same burgesses one fair, as is contained in the commission, it will be to the damage of the said lord of the town by the year xxs.

Also they say that the burgesses of the town aforesaid have always answered, and have hitherto been accustomed to answer, in assizes, juries, and inquisitions for the third part of the hundred of Braunton, and they say that if the said lord the King grants to the said burgesses that they may not be put in assizes, juries, or inquisitions with foreigners, it will be to the damage of the freemen of the hundred aforesaid by the year cs.

Also they say that the sheriff of the county aforesaid holds annually, and has been accustomed to hold, his tourn of the said hundred of Braunton, in the said town of Barnstaple, and that the Maior and 12 men of the said borough ought to come before the sheriff and present all and singular what belong and are presentable in the sheriff's tourn.

Also they say that the burgesses of the town aforesaid ought, and have hitherto been accustomed, to find annually 4 men of the same borough to serve there the lord of the said town, viz., to collect and receive the rents of the said town and amercements for the lord, and to collect other profits of the fair and market, and of all the aforesaid things to the said lord of the town give a faithful account.

Also they say that if the said town, through the minority of the heir of the said James, or through forfeiture of him or his heirs, or any other manner, should come unto the King's hands, and the said liberties should be granted to the said burgesses, it will be to the loss of the said King xl. marks by the year.

Also they say that if the said liberties are granted to the said burgesses, it will be to the great damage of very many of the men who have tenements and rents in the said town. . . . And the bailiffs of the said town may not permit those who have rents in the said town to levy their rent . . . . to be done without the redemption or fine with the said burgesses and bailiffs. That it will be to the damage of Symon le Flemyng by the year iis.; Thomas de Ralegh by the year iis.; Ralph de ——— and Alicia his wife, and the heirs of Alicia, by the year iis.; of the Prior of Pilton by the year vis. viiid.; of John Fouks by the year xxs.; of Robert Fouks by the year xxxs.; of Walter de Merwood by the year iis.; of Baldwin de Ackelane by the

year iiiis.; of John de ——— by the year iiis.; of Andrew Mathew by the year xiiis. ivd.

In witness whereof the aforesaid jury to this inquisition have placed their seals.

Dated the day and place and year above-named.

J. R. Chanter.

Fort Hill, Barnstaple.

NO. XXVIII

Parchment missive in Norman-French, the date 1356, from the Town of Kermerdyn (Carmarthen), with professions of goodwill to people of Barnstaple.

(Translation.)

To all those who shall see or hear these letters John Lawrens, Mayor of the Town of Kermerdyn and the Commonalty of the same Town, greeting in God. Forasmuch as we will and desire good accord and good friendship between the good people of Barnstaple and our Burgesses of the said Town of Kermerdyn, we pray that, if any man of the said Town of Barnstaple can in any reasonable way, demand any debt or securities (munyments) as we understand that you can against any of our Burgesses of the said Town of Kermerdyn you will come there and you shall have all that man can do by law and reason. And, moreover, if you please to sue by process it shall be delivered to you within two days. Wherefore we heartily pray you that if any of our Burgesses come to your parts with his merchandise or for any other business that he may be able to return safely without having any arrest or grievance. In witness whereof the said John, Mayor of the said Town of Kermerdyn, with the assent of the most substantial men of the said Town has put his seal to these letters. Written at Kermerdyn, the twentieth day of April, in the thirtieth year of the reign of our Lord the King, Edward the third after the conquest.

Letter from the Duke of Exeter to the Mayor and Burgesses of Barnstaple, under seal, date 1457, on paper.

(Literal Copy.)

The Duc of Excester, to oure righte trusty and well-beloved the Meir and Bourgas of oure town of Barounstapie.

Righte trusty and wel-beloved, wee grete you weel, praieing you and charging you, alle excuses laide apart, that ye keepe your fraunchices as straitely as evre they were kept in my lord my fadrez daies whose soule God pardonne, or in any time before, wherein as yit ye have demeined you right faithfully and discreetly as it is saide. Wherfore we thanke you right hertily, and, moreover, we wold, and praye you, ne in no wise to broke ne hurte your said fraunchise. But that ye to your powair withstande it, and lette it. And in cas, thot ye may not, that . . . ye in all haste do certifie us by writing. And we p'mise, shall shewe to you oure good and tendre loveship, and also strengthen you and support you in your right by the Grace of God, who have you in his keeping. Given under our seal of arms, the seconde day of September, yeer of our Souv-aigh Lord, Kyng Henry the Sixte, the xxxvi. after the conquest. Excester.

This letter is a good specimen of the transition English of the period. Leland says, "The Duke of Excester was, of late days, Lord of Barnstaple," but we have no other record of it, except the letter above given. Henry Holland was grandson of John, Earl of Huntington (created Duke of Exeter, by Henry 6th, in 1444), by Elizabeth, second daughter of John of Gaunt.

The writ and inquisition, of which a full translation is here given, although of about the same period as those previously translated, are for a very different purpose—on enquiry relative to a burglary and sacrilege at the Priory of St. Mary Magdalene, at Barnstaple; but the circumstances which led to this inquiry by royal writ, viz., as to a supposed indictment for a criminal offence, and the rather curt return by the jurors that no such indictment had taken place, are anything but evident.

The document is on a small oblong piece of vellum, very closely written, with place for a seal, which is gone.

A.D. 1332.—Edward, by the grace of God King of England, Lord of Ireland, and Duke of Acquitaine, to the Sheriff of Devon greeting. Whereas Richard Wallop, John Colecote, Bernand de la Bogha, Geoffrey de Pilton, Gennianus Dirna, Roger atte Wode, John Culverman, Alan Martin, Thomas atte Barr', Peter de Ralegh', Robert de Godelegh, Geoffrey Degher, Geoffrey de Reniton, Richard Piddiitwill, Adam le Panet, Richard Holonde, Philip atte Barr, Durand le Baker, John Mayhou Barbour, Henry Flitere, Geoffrey Fardel, Robert Dirne, William de Lidewicheton, Guy de Tauton, John de Wyteby, Richard de Combe, and Robert Furse, lately, before Roger Rodde, our late Sheriff of the County aforesaid, by the oath of John Trenchard, Robert de Sydenham, John Swathela, Ralph de Ayslegh, Richard de Horsham, Robert Bynithedon, Geoffrey Bysoutheweye, William Monz, William de Coryton, Henry Mone, Richard de Rokewurthy, and John Bauwyn, had been indicted of burglary in houses of the Priory of the Blessed Mary Magdalene of Barnstaple of goods and chattels there found, that is to say, twenty pounds of silver, four silver pieces of the value of four marks, linen and woollen cloths found in the coffer of the said Prior to the value of ten pounds, and other goods and chattels to the value of one hundred marks, there feloniously taken and carried away; making no mention in that indictment of the day and year in which the aforesaid felony had been committed, to the delivery of which same Richard Wallop and the others we have not been able conveniently to proceed before we be more fully certified in the matter aforesaid. We command thee that by the oath of the aforesaid John Trenchard and other jurors, and by the oath of other good and lawful men of the vicinity aforesaid, to be added, if necessary, for this purpose, thou shalt diligently inquire concerning the day and year above said. And what thou shalt have inquired thou shalt distinctly and openly certify us in the octave

of Saint Michael, wheresoever we shall then be in England, under thy seal and the seals of those by whose oath that inquisition shall have been made, returning to us there this writ. Witness, R. de Wylingby, at Westminster, on the 18th day of May in the sixth year of our reign.

Inquisition taken before Matthew de Crouwkthorne, Sheriff of Devon, at Exeter, on Friday next after the feast of Saint Andrew the Apostle, in the sixth year of the reign of King Edward the Third from the Conquest, by the writ of the Lord the King, to inquire concerning the day and year in which Richard Wallop and others in the same writ contained had been indicted before Roger Redde, late Sheriff of the County aforesaid, by the oath of John Trenchard and other indictors in the same writ contained, concerning the burglary in the houses of the Priory of the Blessed Mary Magdalen of Barn[staple] and goods and chattels there found, that is to say, twenty pounds of silver, four silver pieces of the price of four marks, linen and woollen cloths found in the coffers of the said Prior, to the value of ten pounds, and other goods and chattels to the value of 100 marks, there feloniously taken and carried away, by the oath of the aforesaid John Trenchard, Robert de Sydenham, John Swathela, Ralph de Ayslegh, John Bauwyn, William de Coriton, William Monz, Richard de Horsham, the first indictors, as that writ supposes, of Henry de Merwode, Richard de Wytefield, Robert de Bykelegh, and Baldewin Baghel, of the vicinity aforesaid . . . [Bottom of the parchment, with a note appended, "*respice in dorso*"] . . now placed, who say by their oath that concerning the day and year in which the said felony was done, they know not to certify you, for that the aforesaid Richard Wallop and the others in the same writ contained were never indicted by the aforesaid John Trenchard and his fellows in the same writ contained of the felony aforesaid.

The following is written on the back, and partly obliterated:

John Corno (?) entered into the Liberty on Saturday in the feast of Easter, in the 19th year of Edward the Third from the Conquest, and . . . 20s., of which 20s. 10s. at the feast of the Invention of Holy Cross, and 10s. at the feast of St. Michael then next following, by pledge of Richard Crok . . . Case.

Fort Hill, Barnstaple. J. R. CHANTER.

The foregoing document is one of the most difficult to decipher of the whole series. The writing appears much more faint than when I made the above translation for Mr. Chanter, twenty years ago. Indeed, some of the words can now be certainly made out only by having that translation to refer to. It is evident in this and many other instances that had this work in connection with the Borough Records not been undertaken when it was it could never have been carried out to the extent to which it has been executed.

Barnstaple, 1899. THOS. WAINWRIGHT.

NO. XXIX.

The document, of which a copy, or, rather, a translation and modern rendering, is given below, is closely written on both sides of a narrow, irregularly-shaped roll, or slip of stout membrane or parchment, twenty-five inches long, and varying from four to five inches wide. It has no special heading, and bears no date, but from the writing and other internal evidence, it is probably of about the end of the thirteenth century, or nearly the same period as the roll of the Guild of St. Nicholas, A.D. 1303. Many of the words are actually untranslatable, including the names of some of the weapons. A somewhat similar roll, containing lists of names and weapons, headed "A view of arms of the tenants in *capite*," which was dated the 13th Edward II., was some time since copied by Mr. Wainwright; but neither the form, the names, nor the weapons set out in this list tally at all with the descriptions of tenants in *capite*, who would be of the knightly order, nor do they coincide with any of the feudal tenures in villeinage. But one suggestion may be worth making: It is known that in the reign of Edward III., when the levying of men to serve the King "by reason of tenure" was falling into disuse, writs were sometimes issued by the Exchequer to burghs and liberties to find halberts, men-at-arms, and archers, to a certain value, at which the burgh was rated. This document, however, contains, besides the lists of names and weapons and their prices, various statements of account, and the latter portion purports to be an inquisition, relating rather to domestic articles, but is imperfect, and may have been continued on another roll. Anyhow, the document is one of the most puzzling and inexplicable to be found among the records, but as it is rather curious it is printed, as it may interest some readers.

Many of the names have had lines drawn through them, as if the weapons had been returned or paid for, and about twenty-two lines have been altogether erased. A doubt is suggested whether the letter "t" following the first twelve names stands for "traditum" or "teste." The personal names, if correctly read, appear to be mostly of the old English or Saxon type, and not Norman French or Latinised names, as in the Guild rolls and other records of about the same period, which have mostly "de," "le," or such prefixes; but a few, as Bogh, Hurtiscote, Hopere, etc., are identified with or similar to names in those documents. They are therefore probably the names of yeomen, denizens of the soil, and others in the lower stratum of society of the period. One entry—that which represents "the wife of John Godhya" as being in possession of arrows—appears to show that it is not simply a muster roll.

Thomas Arbraham, 1 "polhasse," price 8d., Geoffry Wode.
Robert Choteman, 1 polhasse, price 10d., t. T. Davy.
Richard Protur, 1 polhasse, price 6d., t. R. Pitman.
Thomas Collecote, 1 polhasse, price 9d., t. R. Bogh.
Robert Garlond, 1 polhasse, price 8d., t. R. Symon.
William Chepphurd, I polhasse, price 10d., t. B. Mollond.
Gilbert Horlok, 1 polhasse, price 8d., t. W. Hopere.
Roger Hope, 1 polhasse, price 10d., t. J. Houte.
Richard Jul, 1 polhasse, price 8d., t. R. Adecok.
John Crocker, 1 polhasse, price 10d., t. R. Davy.
John Hurtiscote, 1 polhasse, price 12d., t. T. Mollond.
John Milward, 1 polhasse, price 7d., t. Hoyne Baker.
Geoffrey Tallur, 1 polhasse, price 12d., in his custody.
William Sturnel, 1 polhasse, price 7d., t. John Morhay. Sum he owes 6s. 10d. for armour delivered to him. Pre-[sent].
Hoyne Baker, 12 "corde," paid 2s., also paid 6d.
John Houte, not present, 12 corde, paid 2s.
John Morhay, not pre., 12 corde, paid 2s. Sum he owes 7s. 11d., as appraised (ut pres).
William Hopere, 12 corde, paid 2s.
Thomas Davy, not pre.—12 corde, paid 2s. Sum 8s. 2d. as appraised.
Richard Pyting, 12 corde, paid 2s.; also paid bow 18d.
Roger Davy, not pre., 12 corde, paid 2s. for one bow, price 20d.
Robert Bogh, junior, 12 corde, paid 2s.
Geoffrey at Wode, 12 corde, paid 2s.
Ellys Adecok, paid 2s.; also paid for one bow, price 2s. 2d. (corde).
Adam Decklane, paid 2s., paid 12 "corde."
William Gilbe has 1 oketon and bassenet, price 6s.
Simon Bode has 1 bassent, price 5s.
Richard Dulverton has 24 arrows, price 4ss.
John Morhay has 1 bow, price 18d.
Adam Skynner has 1 bow, price 2s.
Adam Polman has 19 arrows, price ——.
Thomas Kyng has twenty-four arrows with iron points (ferrat).
John Bartolot has 10 arrows, price 10d., with iron points, delivered to Hoyne Baker for his use.
John Graye has 36 arrows with iron points, price 6s., delivered to William Hoper for his use.
The wife of John Godhya has 10 arrows with iron points, delivered to Richard Pytman for his use.
Of Henry Thoker 24 arrows, paid 2s., delivered to John Houte to his use.
John Mantel has 19 arrows, price 20d., delivered to John Morhay to his use.
Ellys Stone has 39 arrows, price 2s., delivered to Thomas Davy to his use.

Warnys Baker has sixteen arrows, price 12d., and Thomas Crocker has 12 arrows, price 11d., and Richard Proyture has 12 arrows, price 11d., delivered to Roger Davy to his use, 4s. 8d.

Geoffrey, at Wode, has 48 arrows of his own.

Richard Pytman has 12 arrows, price 18d.

Richard Thorecote has 12 arrows, price 12d.

John Arbraham has 15 arrows, price 12d., he has delivered; and John Bollehorr has 24 arrows, price 2s., delivered to Ellys Adecote.

John Pytman has 24 arrows, price 4s. 8d.

Geoffrey, at Wode, has 2 bows (Arkis), price 3s.

John Morhay has 24 arrows, price 2s. 6d.

Also in Henry Fillecomb, 1 "passerakes," price 2s. 6d.

Thomas Davy has 9 arrows, price 12d.

William Hopere has 1 bow, price 12d.

Roger Davy has 1 bow, price 20d.

John Houte has 2 bows and arrows, price 4s. 6d.

[This ends one side of the roll. At the top of the other side about twenty-two lines have been erased.]

William Hoper has 1 brass pot, price 40d., 5 arrows (Sag).

Robert Pertusworth has a bow, price 12d., delivered to Richard Pytman.

John Govitz has 1 bow, price 18d., delivered to John Morhay (pres).

Richard Proyton has one bow, price 18d., delivered to Thomas Davy.

Thomas Nel Bocher has 1 bow, price 12d., delivered to Adam Acklane.

Richard Willy has 1 bow, price 14d., delivered to Robert Bogh.

John Lane has 1 bow, price 12d., delivered to Roger Davy. Delivered 1 bow.

John Skynner has 1 bow, price 14d., delivered to Honye Baker.

William Redne has 1 "seve," price 5s., delivered to Robert Bogh.

John Graye has 1 bow, price 16d., delivered to Ellys Adecot.

John Pertusworth paid to Thomas Inneul 8s. for his labour.

Also paid to Burnarde Mollonde 2s.

Also paid to Thomas Mollonde 2s.

Geoffrey Tallur.

Also paid to Confetra, for "Corde," 12d. —— 4s. ——.

Also paid to Ellys Adecot, for an iron lock (?) 6d. *(pro fer. cer.)*

Also paid to Robert at Strate, 3s. for "crone."

William Clever, 4d. Also in buttermilk (sero), 1d. Sum of expenses, 46s. 9d.

Honye Baker, 25 iron fetters, 12d.

Thomas Kyng has 45 iron fetters, price 22d. Sum £3 13s. 9d., and he owes 21s. 2d.

The Inquisition: William Dryshuter, sworn.
John Duk, sworn.
Robert Scronisbery, sworn.
John Cortis, sworn.
John Bollehorn, sworn.
Richard Thonetoke, sworn.

They present that Ralph Symon has 2 brass pots, price ——; 1 lanthorn, price ——; and 1 coverlet, —— 7s., but stolen (?)

Also they present that Ellys Adecote has 1 basin, price ——.

[Ending abruptly at the bottom of the roll.]

J. R. Chanter.

Fort Hill, Barnstaple.

NO. XXX.

A Stray Leaf from the Book of the Borough Accounts.

The twelve men of our Lord the King.	James Ellys,	Dionysius Terpoot,
	John Salysbury, senr.,	Thomas Grybbell,
	John Mulys,	William Dawkyn,
	John Lytylston,	Robert Hylle,
	William Pawle,	John Davy,
	Richard Down,	David Heyn.

Robert Salisbury took up the freedom of the borough, for which freedom he gave to the Mayor and burgesses the sum of two shillings. Sureties: John Dart and Robert Cade. He has no son.

Henry Grybbell took up his freedom, and gave to the Mayor and burgesses the sum of one shylling. Sureties: John Bond and Richard Jure. He has a brother and two sons, John, senr., and John, junr.

[Note.—In the Barnstaple parish register several instances occur of parents giving the same Christian name to two of their children, as Mr. Gribble had done. In the case of sons this name was always John (in Barnstaple), in the case of daughters Joan. This entry of Mr. Gribble's sons shows, as several others do, that the name was not given to a second child after the death of the first, but that they were alive at the same time.]

Philip Hollond took up his freedom, and paid to the Mayor and burgesses one shilling. Sureties: James Hoddysland and Richard Swete. He has no son.

Fined for default: Thomas Adam, John Parker, John Ascote, and Richard Heddon.

Forty cottes (coats), £4 1s. 8d.

Item for the condyt of 4 men, £2 8s. od.

Item for 40 cottes and the making, £4 1s. 8d.

Item for 3 men's harness, £4 os. od.

Item for 4 dobelts, 8s. od.

Item for 4 cappes, 3s. od.

Item for 18 men's harness for to serve the Kyng's majesty yn his warres, with cottes, cappes, and other charges, £18 6s. 8d.

Item for the blooke-houses (forts) of Cornwall, £3 os. od.

Item for the making of wyndews and glasyn, £13 os. od.

Item for 9 men's harness, £9 os. od.

Item for the expens of the confirmation of the charter, £10 os. od.

Remayneth, £29 9s. 8d.

Item for the repareasone of the cherche there to the number of seven eres, £60 os. od.

More fire wode to the powre, £5 os. od.

More for 50 bottes of stones to make a kyee, £12 os. od.

For the orgone plear and the bedemanes wages, £23 6s. 7d.

£3 6s. 8d. clere.

No date is appended to the foregoing document, but the writing is that of the early portion of the reign of Edward the 6th.

To all offysers and mynysters ender our Soveren lorde the Kyng, to whom this present wrytng of Testymonyale shall combe to be seen or redde; Richard Skynner, Mayre of the town of Barnestaple; Alexander Merefeld, Paul Smyth, Phylype Comer, Walter Salysbury, John Mannyng, Richard Gaye, David Phylype, masters of the town foreseyd; Roger Worth, town clarke there; Thomas Geffery, Thomas Travys, John Arnold, John Premet, John Bery, Thomas Davy, John Hollond, John Lytylston, Thomas Pawle, Dennys Serpoote, Harry Drewe, John Goddysland, William Canford, William Pawle, John Meryfeld, John Beme, beyng of the Councell of the hole town, sendyth gretyng, yn our Lorde God everlastyng; for where as hyt ys a meytoryous dede to testefye the thyngs that be of truth and not feyned as we the testes [witnesses] above specyfyed will now and at all tymes hereafter testyfye the artycles here after folowyng to be of truth, that ys to sey, all mayres, our predecessors, and all them nowe beyng alyfe that have byn mayre of the town foreseid, they have hade and every of them hath hade, owte of tyme and mynde, the correctyon and oversyghte of all mesures, of all syses [assizes] of bredde and ale, and of all manner of wightes [weights], and of all maner of watches and warde, and all and all *(sic.)* maner of mesures arre and were seaylled by the mayre of the town foreseid for tyme being, and all collictyons mony we have gathered amongest the tennants of the late prior of Barnestaple, nowe being the tennants of my Lorde William Haywerd *(i.e.*, William Lord Howard of Effingham), and have had the correctyon of all lewde persons and offenders yn and throwe owte a strete yn Barnestaple foreseid, wich strete on John Fatell clamys to be the fee of my Lorde Wyllium, and we evere have hade the correctyon of all the artycles above specyfied in the seid strete, as we, the testes, above specyfyed, wyll at all tymes justefye. In witness thereof we, the seid testes to this our present testymonyall, have sette our seylles interchangeably. Yeven the 13th dey of January, the 30th yere of the reign of our Sovereign Lorde Henry the eyghte of Ingland and France, Kyng, Lord of Irland, and of the feythe defender, and yn erthe ender God supreme hedde of the Church of Ingland.

A Loose Sheet of Parchment from the Records of the Mayor's Court.

In the time of Thomas Hoper, Barnestaple, Law Court of the Mayor there held, on Monday next after the fesst of Saint Faith the Virgin, in the 4th year of Henry the Fourth.

Inquest Men.

William Rous, John Gloster, Richard Stanbury, Thomas Pitman, Henry Baghel, John Symon, Henry Milward, Nicholas Boghe, Walter Cake, John Tokere, John Okrygge, John Schede.

They present John Goldsmyth and Walter Whyry, wardens of the Church of S. Peter, who took the oath; Walter Boghe and John Hurdeton, wardens of the Long Bridge, who took their oath; they also present Richard Barbour and John Tokere, wardens of S. Nicholas, who took their oath; also John Okrgge and Henry Ferrour, constables of the peace, who took their oath; also John Brok and John Ros to look after forestallers and regrators in the town and market of said place, who took their oath.

William Hayne, Thomas Rowe, William Cosin, Simon Rogger, and John Hugge were fined threepence each for not doing suit at this Court.

Note, that William Boghe and John Hurscote, wardens of the Long Bridge, received from the chest four shillings and fourpence.

Also the twelve men present that Walter Spence and Margaret Meddon, John Choke, Thomas Pilland, Bernard Skyber, Adam Stone, William Stephyn, and Thomas Raishlegh have pavements in a bad condition, and are therefore bound over to repair them by the next day, under a penalty in default.

The Mayor's Court.

Held on Saturday after S. Luke the Evangelist's day, in the year above named.

John Cheke and Bernard Skyber, Adam Stone, William Stephyn, and Thomas Rashelegh were fined threepence each because they had not repaired their pavements.

Henry Bakere fined fourpence for breaking the assize of bread, his loaves not being of the proper weight.

The Mayor's Court, held on Monday the next before the feast of All Saints, in the same year.

Walter Toker, of Pilton, fined sixpence for breaking the assize of bread by selling loaves of light weight, and Roger Pinoow fined eighteenpence for the same offence.

Henry Baker bound over to repair his pavement by the next Court day.

The Mayor's Court, held on Monday after the feast of S. Katherine, in the same year.

The bailiffs present Richard Smyth and Thomas Harecourt for not having appeared at this Court although summoned. Each of them fined threepence.

The Mayor's Court, held on Monday after the feast of the Conversion of S. Paul, in the same year.

John Godchurle fined sixpence for breaking the assize of bread by selling loaves under the prescribed weight.

Simond Hamound took up his freedom, for which he paid a fine of one shilling.

John Row took up his freedom, for which he is to pay thirteen shillings and fourpence, namely, at the feast of the Invention of the Holy Cross, six shillings and eightpence; and at the feast of S. Michael next following, six shillings and eightpence. Sureties: John Pitman and William Roper.

The Mayor's Court held on Monday before the feast of S. Ambrose, in the same year.

Robert Elyot fined eightpence because he has broken the assize of bread by selling loaves of light weight.

William Walsche and John Godechurle fined sixpence each for the same offence.

The Mayor's Court, held on the feast of the Assumption of the Blessed Virgin Mary, in the same year.

The twelve men.	John Tanner,	Richard Honecote,
	Thomas Adam,	John Grybell,
	John Scheder,	John Schot,
	John Okrygg,	John Cheket,
	Nicholas Boghe,	William Galdiford,
	William Boghe,	Henry Ferrour.

The twelve men appoint Thomas Hertescote to the office of Mayor; John Cheket to the office of receiver, who took the oaths; also Ralph Cola, Henry Baghole, John Glostor, and William Walsche to be bailiffs; also Thomas Peirs to be Clerk; and John Aggerslegh to be Sergeant; all of whom took the oaths.

An allusion having been made in No. IX. to the name given to the parish church, attention is drawn to the circumstance that in the foregoing document the parish church is described as that of S. Peter, not, as at present it frequently is, of SS. Peter and Paul. This designation of S. Peter is found in all the older records, and there can be no doubt SS. Peter and Paul is an entirely incorrect designation. The evidence of these records alone would be sufficient demonstration; but in addition the learned and careful Dr. Oliver, in his *Monasticon Dioecesis Exoniensis*, gives the dedication as S. Peter, the date being September the 9th, A.D. 1318. The mistake seems to have arisen from some careless copyist reading "Ecclesia S.

"Petri apli," the church of S. Peter the Apostle, as "Ecclesia S. Petr et pli," the church of SS. Peter and Paul. The question, with this explanation suggested, has been submitted by the writer to the highest diocesan authority in these matters, and his reply is "Your suggestion as to the origin of the present designation seems very likely to be correct. Your proofs of the old designation 'S. Peter,' seem to be unanswerable."

Specimen of a Barnstaple merchant's account in the reign of Charles the 2nd:

George Clark, having sued William White for an account, the jury find that he is indebted as follows—

Sex librat ponder picis. 6 lb. of pitch, 9d.
Decem Virgat panni lintei. 10 ells of dowlas, 12s. 1d.
Quatuor Virgat et dimid unius Virgat panni lintei. 4½ ells of dowlas, 7s. 2d.
Duo Virgat et dim ejusdem. 2½ ditto, 4s.
Quatuor duodene ligul. 4 dozen pins, 8d.
Dimid ponder librat salis Indi. ½ lb. of sugar, 8d.
Tres virgat et dimid un virgat panni lintei. 3½ ells of dowlas, 3s. 2½d.
Tres v. et di un v. ejusdem. Ditto, ditto 2s. 9d.
Dimid Virgat ejusdem. ½ ell ditto, 10d.
Quater unius uncie maceris. ¼ oz. of mace, 3d.
Quater unius Virgat et decima sexta parte un Virg. panni novi. 5-16 of an ell of "Figoretta," 1s.
Quarter unius Virgat panni relini. ¼ of an ell of bustin, 3d.
Duo Virgat panni lintei. 2 ells of dowlas, 5s.
Quatuor unciae sal. 4 oz. of salt, 4d.
Una uncia sal Ind. 1 oz. of sugar, 2d.
Octo Virgat panni lintei. 8 ells of dowlas, 8s.
Una pecia panni Manuc. Remnant of "Manchester," 2s. 6d.
Dimid quater unius pond librat sal Ind. 2 oz. of sugar, 2d.
Un Virg et dimid vir fenele. 1½ ell of ribbon, 6d.
Un par calligar. One pair of stockings, 3s.
Duo Virgat panni lintei. 2 ells of dowlas, 2s.
Tres Virgat et quat ejusdem. 3½ ditto, ditto 3s.
Quatuordecim Virgat fil. 14 ells of lace, 2s. 2d.
Quat Virg et di verg pan lin. 4½ ells of dowlas, 10s. 6d.
Tria quater unius virg ejusdem. ¾ ditto, 2s. 6d.—£3 13s. 5½d.
Quae oia sepal summa in toti se alligunt ad. £3 13s. 5½d.
All which several sums amount to a total of £3 13s. 5½d.
Ed assid dampnum pro detention pd. sum, 1s.
And they assess the damage for delay in payment of the above sum at 1s.
Custag (costs), 9s. 6d.

The Latin, as in the original, has been given above with the translation, since it may be deemed a curiosity to see a draper's and

grocer's account in the former classical language, or, rather, in a debased imitation of it. We may presume that the bill was presented to William White in the vernacular, and appears in Latin only in the Court Records. It will be found very interesting to compare the prices paid for the various articles exactly two hundred years ago—the verdict was given in 1679—with those now obtaining.

THOMAS WAINWRIGHT.

Grammar School, Barnstaple, June 28th, 1879.

NO. XXXI.

A Pardon Granted to the Inhabitants of Barnstaple by King Henry the VI., A.D. 1452.

Henry, by the Grace of God King of England and France and Lord of Ireland, to all Bailiffs and faithful subjects to whom these presents shall come, greeting. Know ye that we grant this present pardon not only on account of the eminent deserts of our subjects and liege people who have maintained true and faithful allegiance towards us, but also because we trust to enjoy the mercy and favour of Almighty God. Seeing then that many of our liege men and subjects in different parts of this Kingdom, forgetful of God and of justice, and against our Royal will and authority, and against the peace and tranquillity of this Kingdom and State committed to us, and in contempt of us and our laws, have been guilty of many enormities and offences, and should therefore dread our severity and punishment, we, although we have considered that we should act mercifully towards them, resolved that we would not proceed hastily in granting remission and pardon of this kind, but wait for the week before the feast of Easter-day, namely, the seventh day of April last past, that we might then make a grant of our forgiveness and indulgence at the time when our Redeemer completed the work of his great mercy towards the human race. Moved, therefore, by the pious consideration of these things, and by our reverence for God and for His mother the blessed Virgin, in whose honour we have founded colleges, and in whom after God we have placed our hope, on the Saturday in the said week before Easter-day—a day worthy to be had in honour by the whole human race—wishing as far as in us lies to imitate the example of the Redeemer Himself, we have of our special grace, certain knowledge, and mere motion, on the aforesaid day, granted a pardon, and by these presents confirm the pardon to the Mayor and burgesses of Barnestapol, or by whatever other names they may be designated, for all kinds of transgressions, offences, misprisions, contempts, committed by the said Mayor and Burgesses before the aforesaid day, for which fine and redemption should be claimed from them, or imprisonment inflicted, and this the statutes notwithstanding. And, moreover, of our mere motion and certain knowledge, we release to the same Mayor and burgesses the suit which is due to us for all sorts of murders, rapes, rebellions, insurrections, felonies, conspiracies, aids, and unjust judgments, and

other transgressions, offences, negligences, extortions, misprisions, contempts, fines, and frauds committed or perpetrated before the aforesaid day. Furthermore, if a sentence of outlawry has been pronounced against any persons for the above or other offences, we do hereby remit the said sentence. Besides these things, we forgive the said Mayor and burgesses all kinds of donations and alienations due by them for land held in capite to us and our ancestors, former Kings of England, and also the donations and perquisitions made in mortmain and held without the Royal licence, as well as all kinds of trespasses on our inheritance in part, or in the whole, due after the death of our ancestors, together with the proceeds and profits derived thence in the meantime. And further, we forgive the said Mayor and Burgesses all kinds of fines imposed before the said day by us at our council, our chancellor, our treasurer, on any court of ours for any cause, and all other penalties due to us or our late beloved father, which were due before the said day, to aid in our undertakings, and also all securities of the peace imposed. Provided always that the present pardon and release of ours does not extend to any one or any persons against whom any suit on the part of ourselves or any other person by our brief or bill was entered in our own Court before us, or in any other Court of ours on the said day or on any day since the feast of the Nativity of S. John the Baptist, in the 20th year of our reign, and before the said day respecting the procuring of Apostolical letters, made contrary to the statutes and ordinances aforesaid, or respecting any other things touching such statutes and ordinances. Wherefore of our great grace we pardon and release to the aforesaid Mayor and burgesses all penalties and punishments which they ought to incur from us from the above matters and all demands of lands, tenements, rents, goods, and chattels. Provided always that the present pardon and release does not extend to anyone of those who wickedly killed the venerable fathers Adam, Bishop of Chichester, and William, Bishop of Sarum.

Tested by me, myself, at Westminster, on the 12th day of November, in the thirty-first year of our reign.

In order to understand the reason of the exceptions made in the concluding portions of this pardon, the troubles of the last few years of the reign of Henry VI. will have to be borne in mind. The popularity which this monarch had at first enjoyed as the son of the illustrious conqueror of Agincourt had entirely passed away in consequence of the disasters in France, by which the wealthy provinces in that country formerly belonging to England were lost, and still more through the assassination of the king's uncle and the people's favourite, the Duke of Gloucester. Popular insurrections occurred in various parts, the most noted being that of John Cade; and it was during these that the prelates, whose murderers were declared

out of the provisions of this pardon, met their fate. The murders of both were attended with circumstances of special atrocity. William Ascot, Bishop of Salisbury, was slain during a rising of the men of Wiltshire. After he had said mass at Edington, he was, by his own tenants, taken from the altar robed in his alb, and with his stole about his neck, and being carried to the top of a hill adjoining the town, was there shamefully murdered, on June 29th, and stripped to the skin. His shirt, which was dipped in his blood, they divided among them, and displayed it as ensign of their wickedness, in which they gloried. His chariot had been robbed, the day before, of ten thousand marks. Adam Moleyns, dean of Sarum, Lord Privy Seal, was appointed Bishop of Chichester, on the third of September, 1445. In 1449 he was charged by Richard, Duke of York, with falsehood and libel; whereupon he petitioned the King for permission to leave the country to make a pilgrimage for the health of his soul and body. Permission being granted, he proceeded to Portsmouth on his way to the Continent, and was there attacked and killed by partisans of the Duke of York.

The Pardon of King Charles I., A.D. 1643.

Charles, by the grace of God King of England, Scotland, France, and Ireland, defender of the faith. To all to whom these presents come greeting. Know that we, moved by piety, of our special will, knowledge, and mere motion, have given and granted, and by these presents for ourselves, our heirs, and successors, do give and grant a pardon to the Mayor, Aldermen, and Burgesses of the borough and parish of Barnstable, or under whatever other name or names the Corporation of Barnstable, in our County of Devon, may be known or called; also, to all and singular the persons who were in the borough and parish of Barnestable on the 27th day of August last. And the said pardon shall be granted for all treasons, risings, rebellions, insurrections, conspiracies, and misprisions, and also for all felonies, burglaries, thefts, and robberies, as well as all meditated murders and felonies, escapes, and evasions, voluntary and involuntary, and all connivings at any traitors, murderers, homicides, and felonies, or at any suspicions of the same; and likewise we forgive all fines, all faults and errors committed in bad government of the borough and parish aforesaid, or either of them, and all riots, unlawful assemblies, frequenting conventicles; in brief, all crimes, offences, injuries against the law of the kingdom in general, and the borough and parish of Barnstable in particular, howsoever, wheresoever, or whensoever committed, between the second day of November, in the sixteenth year of our reign, namely, in the year of our Lord one thousand six hundred and forty, and the third day of September last, these matters being excepted which are mentioned and recited below in these presents, or any

escapes made in consequence of the perpetration of such offences. We remit also to the said Mayor, Aldermen, and Burgesses of Barnstable, who were within the borough or parish, or either of them, all indictments, judgments, condemnations, penalties of death, or bodily imprisonment, cauterisations of the hand, so that they shall never be able to be carried out by us or any of our successors.

And further, we forgive to the said Mayor, Aldermen, and Burgesses, all losses of goods, chattels, lands, and tenements of ours.

We will also and grant that these letters patent of ours shall be valid and of effect in law, and that they shall be communicated to all judges, justiciaries, and other ministers or officers of ours without any further mandate, warrant, or brief, in every court of ours within this kingdom of England or elsewhere, according to the tenor of a certain statute of Parliament of Edward, formerly King of England, our third predecessor, passed in the tenth year of his reign at Westminster, and notwithstanding the statute of Parliament in the thirteenth and sixteenth years of the reign of Richard the Second, formerly King of England. Excepting always all persons guilty of abductions and marriages of any widow, single woman, or girl without the consent of her parents or those who have her in their keeping, and those aiding and comforting such persons. Also all unlawful seizing of the revenues, rents, reversions, and profits of our manors, lands, tenements, or hereditaments, or any other waste of our property. In testimony of which thing we have caused these present letters patent to be made.

Tested by me, myself, at Oxford, in the 19th year of our reign.

WILLYS.

The foregoing pardon is beautifully engrossed on a sheet of parchment, twenty inches by fifteen.

THOS. WAINWRIGHT.

NO. XXXII.

A.D. 1355. Richard Champernown the Sheriff acknowledges the receipt of certain fines.

Be it known to all men by these presents that I, Richard Chambernoun, Sheriff of Devon, have received and had the following from fines imposed and forfeitures of goods made before William de Shareshull and his fellow commissioners, the justices of our Lord the King, on account of divers felonies, trespasses, conspiracies, and other serious offences committed in the County of Devon in the 28th year of King Edward.

From John Goky, for a trespass, 6s. 8d.
From Simon Cade, for the same, 6s. 8d.
From Nicholas Ware, for the same, 6s. 8d.
From Peter Waterman, for the same, 6s. 8d.
From John Vithelere, for the same, 6s. 8d.
From Robert Dirna, for the same, 6s. 8d.
From Reginald Seman, for the same, 6s. 8d.
From John Comere, for the same, 3s. 4d.
From John Cardon, for the same, 1s.
From William Yeolde, for the same, 3s. 4d.
From Richard Printhe, for the same, 3s. 4d.
From Richard Crudy, for the same, 3s. 4d.
From John Pynouwe, for the same, 3s.
From William Grom, for the same, 2s.
From Oliver Baker, for the same, 1s.
From Johanna Cartere, for the same, 3s. 4d.
From Cecilia Bakestere, for the same, 1s.
From Thomas Granwine, for the same, 2s.
From Richard Croye, for the same, 2s.
From Geoffrey Pippecote, for the same, 2s.
From John Chaundeler, senior, for the same, 3s. 4d.
From William Dishull, for the same, 1s.
From Richard Dulverton, for the same, 4s.
From Richard Wisford, for the same, 3s. 4d.
From Alice Clappe, for the same, 1s.
From John Horlok, for the same, 1s.
From Roger Hurdeton, for the same, 1s.
From William Legh, for the same, 1s.
From Thomas Lovering, for the same, 1s.
From Adam Polman, for the same, 3s. 4d.
From Walter atte Yeo, for the same, 3s. 4d.
From Walter atte Forde, for the same, 3s. 4d.

From Walter Feppe, for the same, 2s.
From William Monelond, for the same, 2s.
From John Yeolde, for the same, 1s.
From Matilda Wikilton, for the same, 1s.
From John Croppe, for the same, 1s.
From William Moynan, for the same, 2s.
From William Couling, for the same, 2s.
From John Grey, for the same, 2s.
From Roger Peny, for the same, 1s.
From Alice Shonke, for the same, 8d.
From Stephen Bregh, for the same, 3s. 4d
From Henry Denman, for the same, 6d.
From William Paywel, for the same, 1s.
From Henry Briton, for the same, 1s.
From John Martin, for the same, 5s.
From Richard Hoper, for the same, 2s.
From William Gountor, for the same, 1s.
From Roger Hayne, for the same, 1s.
From Gilbert Piper, for the same, 6d.
From Thomas Crockere, for the same, 6d.
From Walter Kemere, for the same, 3s.
From Gilbert Horlok, for the same, 3s.
From Adam Stare, for the same, 3s.
From Thomas Webbere, for the same, 1s.
From Thomas Jogrey, for the same, 1s.
From Peter Jurdan, for the same, 6d.
From William Pleckenet, for the same, 6d.
From Adam atte Northyete, for the same, 1s.
From Henry Fillecomb, for the same, 1s.
From Simon Daniel, for the same, 1s.
From John Cade, for the same, 3d.
From John Legh, for the same, 3d.
From Bartholomew Skynnere, for the same, 6d.
From Roger Barbour, for the same, 1s.
From John Wear, for the same, 4d.
From John Whitelok, for the same, 4d.
From Roger Ballard, for trespass and costs, sureties William de Brightlegh and Richard Gyrnoun, 6s. 8d.
From Henry Britoun, for the same, sureties John Porteyn and John Gamboun, £2.
From Richard Bole, for the same, sureties Walter Fippe and John Mille, 6s. 8d.
From Walter Forde. for the same, sureties William Polglas and William Legh, £1 6s. 8d.
From William Legh, for the same, sureties William Polglas and Walter Farde, 10s.

All which moneys I acknowledge that I have been paid on account of our Lord the King by these presents, to which the official seal is appended.

Given at Barnestaple on the 30th day of November, in the 29th year of Edward the 3rd after the Conquest.

A.D. 1355. Mayor's Court held Monday after the feast of S. Peter ad Vincula, in the 18th year of King Edward the Third.

Walter Bonwer, second son of Thomas Bonwer, took up his freedom and undertook to pay to the community 2s.

Roger de Uppecote took up his freedom and gave security to the Community for one mark, which he will pay shortly.

John Pedelever took up his freedom and undertook to pay 40 shillings, of which 20 shillings are remitted to him at the instance of Thomas Cronthorne; he will pay five shillings at Michaelmas, and five shillings at Christmas, five shillings at Easter, and five shillings at the feast of St. John the Baptist.

Arrears due to the Mayor and community of the borough of Barum before the entering upon office of Roger de Mollonde, with which Walter Schether, receiver of the said borough, debited himself on Monday after S. Luke's day in the 17th of King Edward the Third.

From Robert Cans, for a fine, 13s.
From William Pontonay, security Robert Crassman, 9s.
From John Broun, 1s. 6d.
From Nicholas de P———, 1s.
From William Vigorous, for the same, 2s. 4d.
From John Carsyngdon, for the same, 9s.
From John de Peadecote, 6d.
From John Dunning, 9s.
From Thomas Paris, for the same, 5s.
From Simon Wallop, for the same, 1s. 10d.
From John Warkepol, for the same, 5s.
From Thomas Stouke, 10s.
From John of Richard le Hopere, surety Richard le Hopere, for the same, 2s. 9d.
From Richard Bray, currier, surety John Bural, for the same, 2s. 2d.
From Bartholomew Josop, for the same, 1s.
From Thomas de Portmore, for the same, 6d.

Arrears of the Guild.

From Duarand le Ballor, because he did not attend, 1s. 10d.
From Henry Ballare, surety Thomas de Hanecote, for the same, 2s. 6d.
From Simon de Pedalwille, 3s. 4d.
From Nicholas atte Wode, shoemaker, surety Bartholomew Josop, 8s. 8d.
From Walter Conterman, surety Walter atte Crosse, for the same, 4s.
From John de Pekonhulle, 6s. 8d.

Arrears during the mayoralty of Ralph de Smalecomb, in the 10th year of Edward the Third.

From John de Hille, clerk, surety Thomas Fardel and John Gonky, for a fine, 15s.

From Thomas Storde, surety William Palmer, for a fine, £1 5s. 8d.

From Richard Crosse, surety Peter Wyndwode, for the same, £1.

From Richard de Stouford, surety William Fardell, for the same, 6s. 8d.

From Robert Fouke, sureties Roger de Mollonde and Gennanus Dirne, for the same, 1s.

From Thomas Noble, surety Gennanus Dirne, for the same, 6s.

From Reginald de Essewater, surety Gennanus Dirne, for the same, 10s.

From John Willmer, surety Walter Willmer, for the same, 5s. 8d.

From John de Neadecote, surety Arnulph atte Stone, for the same, £1.

From Robert de Schildesonne, junior, surety Robert de Scheldesonne, senior, for the same, 2s.

From Robert Tonker, surety Arnulph atte Stone, for the same, 3s. 4d.

From Thomas de Legh, for arrears, 6s. 0½d.

From Roger atte Schamel, for trespass against the Mayor and Community, 6d.

Arrears of the mayoralty of Roger de Mollonde in the 15th year of Edward the Third.

From Nicholas Durke, for a fine, 1s.

From Johanna, wife of Richard atte Crosse, for one half the goods of the said Richard, on the death of his father, surety Peter Wyndwode, 6s. 2d.

From Roger Rugge, surety William Waterman, for a fine, 1s. 8d.

From John John atte Brugge, surety John Conky, for the same, 6s. 2d.

From William Craddok, surety Richard Waterman, for the same, 6s.

From Thomas Smale, surety John Smale, for the same, 2s.

From Robert Mileward, surety William Milewarde, for the same, 3s.

From Hugh Lucas, surety Walter Cager, for trespass against the Mayor and Community, 4d.

From William Sloman, junior, sureties William Sloman, senior, and Richard Forse, for a fine, 6s. 8d.

From John Peyngtour, for the same, 1s. 4d.

From Robert Glomer, of Nyweport, for trespass against the Community, 4d.

From Walter de Stouford, sureties Henry de Ville and John Smale, for a fine, 10s.

From Richard Turs, for trespass against the Mayor and Community, 2s.

From Nicholas Wayne, of Toriton, surety John Chandelor, for the same, 1s.

From Henry Rauf, surety William Cruwes, of Toriton, for the same, 1s.

From John Skarlet, sureties Geoffrey de Flityngtone and John Touker, for a fine, 8s. 4d.

From Richard Oliver, surety John de Warkedoole, for the same, £1.

From Daniel Smale, surety John Smale, for the same, 4s.

From Robert Fele, for trespass against the Mayor and Community, surety, W. de Pilton, 2s.

From John Smale, for trespass against the Mayor and Community, 1s.

From Warren atte Burne, surety Arnulph atte Stone, for a fine, 10s.

From Simon Crosman, sureties Richard Crosman and Geoffrey Fardel, for a fine, 10s.

From John Douthe, for the same, 10s.

From Robert War, sureties William Sloman and Richard Forse, for the same, 13s. 4d.

From Robert Tibbe, sureties Warren atte Birne and John Woodecock, for the same, £1 6s. 8d.

Cases at the Mayor's Court, in the 34th year of Edward the Third.

John Coppe, a cut purse (*"abscissor bursarum"*), was arrested on Thursday, the feast of the Nativity of the Blessed Virgin Mary, in the 34th year of the reign of King Edward, for stealing the purse of Walter le Knyth and twelve shillings and one penny in the same, against the peace, etc., and by sentence of the Court held on the Saturday following his right ear was cut.

On the night of the Circumcision of our Lord in the aforesaid year Maria la Gurlister, of Toriton, fell over the bridge of Barum, and being found on the day following was viewed by John Lantelis.

A certain Alice, daughter of Vincent Rogga, was arrested in the borough of Barum on the prosecution of Thomas de la Clyne, with the sum of six shillings, which she stole at the house of the said Thomas at the Clyne, and the aforesaid Alice was tried in the full Court of the aforesaid borough of John de Lantelis, the King's Coroner, at the suit of the said Thomas, and, confessing that she broke into the house of Thomas, she was hung by the sentence of the Court. She had no property.

On the night of Tuesday, the feast of S. Scholastica, in the 35th year of King Edward, Edith, the wife of Adam de Roland, while suffering from serious illness in the house of the said Adam, got up in her delirium in the middle of the night, all the other persons in the house being asleep, and opened the garden gate and fell into a well of water near the said gate, and so was drowned. On the following day she was found by her husband, the aforesaid Adam, who raised the hue and cry; she was viewed by John de Lantelis, the King's Coroner.

The foregoing "cases" are the remaining portion of the record partially translated in No. XIX. This is a parchment roll endorsed in a late hand "Casus attingentes, the Mayor of Barnestable Crowner." It was possibly prepared at the period of some of the disputes as to rights of jurisdiction between the Feudal Lord and the borough—frequently noticed before—with the view of showing the exercise of coroner's duties.

THOS. WAINWRIGHT.

Grammar School, Barnstaple.

NO. XXXIII.

The Strict Government of the Town in Early Times.

The multifariousness and minuteness of the regulations, and the great extent of interference with what we are accustomed to call the liberty of the subject, are exemplified by the ordinances and the entries in Court books, specimens of which have already been given; but, perhaps, a still more accurate idea of the variety of these regulations and the means by which they were enforced, may be obtained from the documents, defining the duties of the numerous officials, which duties they were annually sworn to observe and maintain. These are set out in a little volume of forty-five pages, bound in parchment, commencing in the first year of Queen Elizabeth, entitled "Booke of Oaths." There is also among the records an original form of oath on parchment, administered to the Burgesses in the reign of Edward VI. This, which is in very quaint verbiage, will first be produced literally.

The Othe of the Bourges.

Ye shall feythe and trouthe bere to Edward the VI. by the g'ce of God Kynge of Ingland, Fraunce and Irlande defender of the feythe and of the Church of Ingland and also of Irlande yn erthe the sup'me hedde and to his heyres and successors and to the Mayer, Bourges and Coialtie of the same towne and to there heires and successors, truely and Councell of the saide Mayer and Coialtie to hele and kepe and also to yeve and yelde with the Coialtie of the same Towne as y't shall be by them sette and the fredom of the same towne to mayntene and no Commandm'nt, nor somons made by the sayd Mayre and his successors to withstande nor disobeye wh.owte cause resonable and noman under my fredome to mayntene, kepe and hele and also all the ordynances that now or shal be to kepe, presouve and mayntene, and with in twelvemontes and a day nowe next folowynge a free tenement wn in the said towne to purchase yf hyt be my power and plesure as God shall helpe me and the Halydom and the hole lib'tie for the said Town y to ynjoye duryng my lyve excepte y offend or els to do anay trespas ageynst this Towne whereby any man of the said Towne sworen may avoyde me or yf I be dwellynge owte of this towne twelfmonths and a day that then y, to be voyde of the libtie of the same towne, this lib'tie graunted nothwithstandyng.

The Booke of Oaths is prefaced by the following table of contents:

The Oathe of Supremacie.
The Othe of Allegiance.
Of ye Mayor.
Of Senr Alderman.
Of Junior Alderman.
Of Justice of peace.
Of Coroner.
Of Recorder.
Of deputy Recorder
Of Town Clerke.
Of Clerke of the Market.
Of Chamberline.
Of one of the 24.
Of a Burgess.
Of ye Receiver.
Of ye Constables.
Of ye Bridgwardens.
Of ye Collector of town Rents.
Of ye Bayliffs.
Of ye first S'jeant.
Of ye second S'jeant.
Of ye Yarne weigher.
Of ye water Bayliff.
Of ye keeper of ye Kayhall.
Of ye searcher of ye Market.
Of ye keeper of ye Shambles.
Of ye Pound keeper.
Of ye Church wardens.
Of ye Beadle of Beggers
Of ye Fewrers of Weights.
Of viewers on Market days.
Of searchers and sealers of Leather.
Of viewers and weighers of Kerseys.
Of searchers and viewers of Cloth.
Of overseers of strangers.
The Oath of Affeerers of Estreats.

A proclamation for the fair.
Proclamacon when the Castle Court is holden.
Proclamacon when ye Mayor is sworn.
Proclamacon the Friday after Mayor is sworne.

The subdivision of offices appears very large. The oaths, however, set out separate and distinct duties for each. Some few of these oaths are administered in nearly the same language at the present day, but in the great majority of cases they are now altogether dispensed with, or greatly modified, and in several instances

the offices themselves have died out. Some of them will now be given condensed, or in abstract, as specimens of the ancient form and of the various quaint and singular provisions then thought essential, or as showing the duties of offices long discontinued. They materially throw light on the carefulness of municipal legislation, as well as on the trade and state of the town, and on manners and customs several centuries since, and are therefore valuable and worth preserving.

The Oath of Mr. Maior.

I shall truely and faithfully serve our sovereign Lord the King in the office of Maioraltie, &c. The King's Majestie's royal estate, right and title, according to my duty, I shall uphold, &c. I shall repress all heresies, treasons—disturbers of the King's peace—riots, routs—tellers of news—bearers of tales—spreaders of rumours tending to sedition—common scolsters and slanderers—sowers of discord—strife and debate between neighbours—forestallers—ingrossers and regrators—common annoyance and other offences to be attempted or committed within the Borough during the tyme of myne office. I shall minister justice and give true judgment, as well as to the poore as to the rich; and finally I shall support and maintain the cause of the Commonwealth—prescribed and laudable customs, rights, liberties, franchises, and ordinances of this borough, after my best knowledge, wisdom, and discretion, as God shall give me grace.

The oaths of the aldermen and other judicial officers have no special peculiarities.

The Clerk of the Market

swears that he will by himself, or by the searchers of the market, see that all manner of victuals, brought to the Borough to be sold, be lawful, marketable, and wholesome for man's body, and that none do regrate, forestall, or ingrosse any butter, cheese, or other victual, and that the seliers of victual sell the same at reasonable prices—and will see Reformacon of persons using false, double, and unlawful measures, beams, and weights. The Assize of Bread and Ale to be truely kept, and the offenders therein to be duly punished.

The Chamberlyne's Oath

shows no other duties than "to safely keep all such money and other things as shall be committed to my custody and charge." He was, in fact, the Treasurer, while the Receiver—the collector of Rents—the Bailiffs, and Keepers had each the different departments of the Borough revenues to attend to and receive, the Customs, Duties, and Tolls, Rents, Forfeitures, Fines, and Estreats. The great feature of all the oaths is the dignity and importance of the Mayor, and the service and implicit obedience to be paid to him and his commands, not only by the officials but by all other persons however dignified, even the Recorder,

and Deputy Recorder, and Aldermen having to give him their best advice and assistance. All the oaths commence with the same form, "Well and truely to serve Mr. Maior, and not to change or alter any of his commandments, nor say or do anything hurtful or prejudicial to him."

The Constables,

who were twelve in number, besides the general duties, had multifarious, special, and almost judicial ones. They were sworn to see the King's peace kept and observe watch and ward at the times accustomed. To take all true examinations between party and party. To apprehend and examine all vagabonds, rogues, wandering and suspected persons. To have no displeasure nor speciality bearing more to one party than to another, but to see all vagabonds and other idle persons sent to be reformed and punished as they ought to be. To make due search in all the innes, victuling and tipling houses and alehouses for such of the inhabitants as shall repair and resort thither, and remain there drinking, tipling, or drunke, and the offenders to present at the next King's Majesties Court, with the nature of the offence. To follow and prosecute all hues and cryes that be sent or brought to the Borough, according to statute, &c.

The Bridgwardens

were sworne to collect the rents belonging to the Long Bridge, or appointed for the reparacon of the same, to gather and levy tolls, and to see the Bridge duly and sufficiently repaired, and the distribution of Almes to be made to poor people as hath been accustomed also to receive such gifts of charity as shall be given, devised, or bequeathed towards the same.

The Yearn Weigher

was to behave himself truly and equally between the sellers and buyers, in all weighings and sales, and to make account and deliver to the Receiver all moneys received, besides the fee which he has for his labours.

The Keepers of the Kay Hall

had charge thereof as well as of the Beam and Crane. They were to receive and take charge of the "Packes" and "Wares" brought to the town by strangers, and see the same had and brought to the Hall, and to see the customs and dues thereon demanded and paid; likewise on all Tonnage and Merchandize loaden or unloaden upon the Kaye.

The Overseers and Searchers of the Market.

Besides the general duties of assisting, the Clerk of the Market had to see that all victuals were "lawful and wholesome for man's body," and that butchers brought their sheepskins hanging to the flesh,

and "to make relacion" to Mr. Mayor of all offences, and to certify to him, on each market day, the several prices of corn that day.

THE KEEPER OF THE POUND,

in addition to the usual duties of such, was charged to see reformation of tying of horses and beasts in the streets, and of ducks and pigs going at large.

THE BEDELL OF BEGGARS

was "to see that noe sturdy beggars or vagabonds be wandrying, loytring, or begging openly in the streets or at men's doores, without the special license of Mr. Mayor for the time being, but to commande such immediately to departe the borough, or else to cause them to be brought before the constables there as hath been accustomed."

THE FEWRERS OF WEIGHTS,

now quite obsolete, for inspecting and destroying improper weights and measures, then called furying of the weights, and seeing "that the offenders may be reformed and punished"—much the same duties as the present inspectors of weights and measures perform.

The few remaining sworn officials, set out in this Book of Oaths, have disappeared altogether, their duties being obsolete as their names. They are:

THE VIEWERS OF MARKET DAYS,

who were to see that no forrainer (that is non-freemen, in the old records Forinseci) do bring into the market any wares or merchandise to sell at ratayle.

THE SEARCHERS AND SEALERS OF LEATHER.

We shall well and truly serve Mr. Mayor, &c., in the office of searching and sealing of leather. We shall make true search, and view four times in the year at least, of and for all boots, shoes, buskins, and other wares and things made of tanned leather, in all houses and places within the precints and liberties of this Corporation, and make thereon a true certificate or presentment of every default we shall find in the making or insufficiency of the said wares. And also we shall keepe our booke or register to enter and set down all such bargains as shall be made for leather by any person within the borough, taking the due fees for the same, and not more.

THE VIEWERS AND WEIGHERS OF KARSEYS

were sworn well and truly to measure and weigh the raw karseys brought to this town to be sold, and to see that they have their puckle and shop mark, and of the defects therein to certify Mr. Mayor, and once a year to give a just and true account of all forfeitures.

THE SEARCHERS AND VIEWERS OF CLOTH

were appointed to view and search all manner of cloths which shall be dressed, dyed, or pressed with the cold presse within the borough, and to see whether the same was sufficiently dressed without putting thereto flocks, sollace, chalke, flower, or any other deceitful thing, and also whether the same shall be well and sufficiently died with good and perfect colours, without any deceivable thing, and whether it be strained or stretched any otherwise than it ought to be, and the defects therein to certifye Mr. Mayor from time to time.

THE OATH OF OVERSEERS OF STRANGERS.

I shall well and truly serve Mr. Maior, Aldermen, and burgesses, with the rest of the commonaltie of this borough, in the office of enquiry and viewing of all such strangers as shall resort and repair to this town to sojourn, dwell, or inhabite within the same, and thereof to make a true certificate from time to time to said Mr. Mayor or constables, &c., and all other things that do belong to my sayd office well and faithfully to doe and perform to the uttermost of my power. Soe God help me ever.

The last official oath is that of

AFFEERERS.

To assess and affeer all such amerciaments as shall be presented at the Courts, "wherein you shall spare no man for love, favour, affection, or corruption, nor raise nor enhance upon any man, of malice, more grievous amerciaments than shall be thought reasonable according to the quality of the offence and the fault committed, and not otherwise."

The "Book of Oaths" contains also a variety of proclamations, which it was customary in olden times to recite in public at certain periods and at certain stated places with great form and ceremony. Only one of these has survived—the proclamation of the fair; but even that is now sadly curtailed. Special enactments have superseded charters, and have abolished most of the privileges as well as many of the offences, such as forestalling and regrating, which were referred to in it, and modern habits and ideas have rendered the sumptuary clauses quite out of place, and they have been dropped; but otherwise the form and words of the ancient proclamation are still observed on the annual Fair Day in September.

Two other proclamations—one of which used to be made at the High Cross on the first Friday after the new mayor was sworn in, and the other made by the Mayor and legal officers, at various places about the town, after dinner, on the law days—give such a curious *résumé* of the sumptuary laws and paternal supervision in the Elizabethan period, and are so quaint, as to make it worth giving tolerably full abstracts of them, although many of the clauses are mere recapitulations of the ordinances already printed.

The Proclamation at High Cross on Mayor's Day.

Mr. Mayor of this borough chargeth and commandeth, in the King's Majestie's behalf, all persons repairing to this market to keep the King's peace, and to bare no armour or weapon upon paine of imprisonment, and to make fine with Mr. Mayor for their disobedience.

No artificer nor handycraftsman, nor his servant, nor husbandman, nor apprentice, labourer, or servant at husbandry, journeyman, marriner, fisherman, waterman, nor serving man shall play at dice, cards, tables, booles, tennis, or any other unlawful games, nor wear any excess apparel.

All buyers and sellers of beasts and cattle, raw cloth, or any other thing that ought to be tolled or customed, shall truly pay their custom and duties as they ought to do, and shall bring their wares and victuals, both fish and flesh, and other things to the places appointed for such kinds, and not sell the same secretly or in any private house.

No manner of person which is not a free burgess shall retail any iron or salt, woollen or linen cloth, haberdash wares, grocery or mercery wares, or keep any shop, or sett up any occupation or trade, except it be in the time of the Fair, without license of Mr. Mayor and Aldermen, upon paine of forfeiture thereof vid. and viiid. for every offence.

Such persons dwelling out of this town as bring any linen or woollen cloth, frize, hides, iron, or any other grosse ware or merchandise to this town or market to be sold, shall first bring the same unto the kay hall and then sell the same in grosse and whole sale to the burgesses, and truly pay for the hallage and safe keeping thereof, upon paine of forfeiture, or else make fine with the Mayor for their disobedience.

Victuallers shall bring good victual, and wholesome for man's body, and all butchers bring their sheep-skins hanging to the flesh, and no person forestall victuals until brought to the market place, nor regrate, upon paine that shall fall thereof.

No person shall buy nor engross any cheese or butter brought to the market, but only for his own household.

All that bring corne to market are to open their baggs at the hour appointed, when the corn bell doth ring, and then the inhabitants of the borough are to be first served, and after 2 o'clock all others; and noe baker shall buy any corn before 3 o'clock, and no millers any corn in the market at all.

No person having any corn of his own shall presume to buy any corn in the market for changing of his seed, unless he brings to the market the same day soe much corne of his own, as he buyeth and sell the same as the price goeth, upon paine of forfeiting double value; and all sellers of corne shall sell the same before 4 o'clock; and all as doth then remain

shall be sold at the discretion of Mr. Mayor to such inhabitants as will buy the same at the price such grain was sold before.

No person shall tye any horse or beast in the open streete or upon the quay, upon pain of loosing, for every foot, one penny.

No idle boys, children, or vagabonds shall be rogueing, standing, or loytring in the streets the market days about any man's standing, or any victuals or wares brought to be sold, upon pain of the whippe.

A Proclamation at the Law Courts, to be Made about the Town after Dinner.

Mr. Mayor chargeth and commandeth that no man play at cardes, tables, dice, booles, clash, or other unlawful games, and that no man bear any armour, or weapon, in disturbance of the King's peace, unless he be an officer of the same, on paine of lossing the same armour or weapon, his body to prison, and to make fine with Mr. Mayor for his disobedience.

That no manner of person be walking in the streets after nine of the clock by night, except he have needful and lawful business, upon pain of imprisonment and fine.

That all bakers bake good bread, and wholesome for man's body; and make the same according to the assize in half-penny loafs, penny loafs, and two-penny loafs. And that the huxters buy no bread but only of the bakers of the borough. And also that all brewers brew good ale, wholesome for man's body, and sell the same according to the assize, that is, an ale quart of the best ale for a penny, and twopence a gallon of the middle ale. And that all tapsters set out their signes as they ought to do, and sell their ale by measures fured and sealed, and that they deny noe person any ale so long as they have any in their houses.

That no man take gaige or pledge of any man's wife nor any man's servant, upon pain of loosing of the gaige.

That no person caste any filth or unclene things in the streets, upon pain of 4d. and forfeiture of the thing wherein he carrieth the same.

That no inhabitants suffer his piggs, hoggs, or ducks to go abroad in the streets upon pain of loosing 1d. for every foot for every time. And that none rebuke him that is appointed to oversee the same, upon paine of a grievous amerciament.

That no inhabitant receive any packs of ware of any foreigners or strangers into his house, before the same be brought to the Kay Hall, on pain of imprisonment.

That none inhabitant receive into his house any strange woman, being with child, or any begger or vagabond or any vagrant foysterer or suspect person, without the licence of Mr. Mayor or the constables of this towne.

That no person carry any firebrands by night in the open streets, upon pain of loosing 12d. for the first offence, and 3s. 4d. for the second, and the parents and masters to pay the forfeiture of their children and servants.

That no person take into his house to dwell any forrainer person, being brought to poverty and likely to charge this borough with their maintenance, upon paine of forfeiting 10s. for every month he shall keep him as tenant.

That no inhabitant do presume to sell or tipple any ale or beer in their houses, except he be first duly licensed. (The other clauses of the proclamation are the ordinary ones as to licensing the various trades.)

It is presumed that these proclamations were read accompanied by the same form as still occurs (though now shorn of much of its ceremonial) at the proclamation of the present September Fair, and were probably preceded by a similar festivity, as entries appear in the receiver's accounts, such as "paid for two galls. Gascoyne wine at the Proclamation, xld." It must not, however, be forgotten that the modern modest toast and ale is provided at the private cost of the mayor. In the Elizabethan period the outlay for "Gascoyne Canary, sacke, and possitt wine" was charged to the borough accounts.

It would appear that Mr. Mayor and maisters employed still further means of discovering and punishing social immoralities, reminding one of the mighty walks of the Caliph Haroun Alraschid and his minister Giaffer in that delightful juvenile book, "The Arabian Nights," as in the journal of a town clerk of the period, "Philipp Wyatt," is the following curious piece of scandal:

1600, 14th November. Mr. Maior and Aldermen, going upon their search in the evening as usual, found the vicar, Mr. Trynder, in John William's house being a tipler, with other company, and having among them a pipe with a taber, a little after nine and because Mr. Trynder would not come down to Mr. Maior from the chamber upon commandment, and for his misdoings, was commytted to warde, where he abode until the . . . morning following. In the mean time he sent a lamentable letter to the Bp. of Exeter, advising his Ldp. that he was wrongfully committed, whereupon his ldship wrote to the E. of Bath, who commanded Mr. Maior to come to him, wch he did at Tawstock. A day appointed for hearing. Vicar released. Sunday following he preached ij. hours; beinge a cold daye he weryed all his audience.

There was an old feud with this reverend divine, as some time previous—1596—there is another entry in the same journal:

Mr. John Trender, vicar of this town, inveighed in his sermon against the Aldermen for not coming to Church, who he said were like 2 fat oxen, that they would not hear when Xt. called unto them, but drew backwards and drew others from Xt.

The aldermen were present, but unseen. For this and his indecent behaviour on being questioned for this abuse, he was committed to warde for want of sureties. The E. of Bath next day discharged him.

J. R. Chanter.

NO. XXXIV.

Documents Relating to St. Anne's Chapel, now the Grammar School.

A. D. 1459. Know all men, present and future, that I, John Holman, Rector of the Parish Church of Heanton Punchardon, have given, granted, and by this present tripartite indented deed of mine have confirmed to John Denys, John Saunder, Henry Boughdon, clerk; Nicholas Bovy, John Wygger, Simon Broyte, John Phyllyp, William Chevener, Walter Forste, John Babyngton, John Spere, John Smyth, Thomas Wygger, Richard Holomore, Henry Pope, John Quans, John Martyn, William Morlays, James Veryer, John Culine, Richard Marke, William Holomore, Thomas Holomore, and John Otryham, all my messuages, tenements, and gardens, with their appurtenances in the town of Barnestapol, which came or descended to me on the death of my father, Thomas Holman, and my sister, Johanna Hayne; also all those messuages, tenements, and gardens of mine, with their appurtenances which I lately had by the gift and feoffment of Henry Hunte, in the town of Barnestapol aforesaid, to have and to hold all the aforesaid messuages, tenements, and gardens, with all their appurtenances and profits, together with the reversions of the same, whenever and however they fall in to the aforesaid John Denys, John, Henry, Nicholas, John, Symon, John, William, Walter, John, John, John, Thomas, Richard, Henry, John, John, William, James, John, Richard, William, Thomas, and John Otryham, their heirs and assigns for ever of the capital lords of that fee by the rents and services thence before due and of right accustomed. And I, namely the aforesaid John Holman and my heirs, by these presents, bind ourselves to warrant, quit, and defend for ever against all mortals all the aforesaid messuages, tenements, and gardens, with all their appurtenances and profits, together with the reversions of the same, whenever they shall fall in to the aforesaid John Denys, John Saunders, Henry Boughdon, clerk, Nicholas Bovy, John Wygger, Symon Broyte, John Phyllyppe, William Chevener, Walter Forste, John Babyngton, John Spere, John Smyth, Thomas Wygger, Richard Holomore, Henry Pope, John Quans, John Martyne, William Morlays, James Veryer, John Culine, Richard Marke, William Holomore, Thomas Holomore, and John Otryham. In testimony of which thing I have appended my seal to this present deed of mine with these witnesses: Philip de Bellomonte, Richard Chichester, Richard Densnyll, Wm. Pyllonde, William Merewode, and many others. Given at Barnestapol aforesaid, on the tenth day of the month

of December, in the year of our Lord one thousand four hundred and fifty-nine, and in the thirty-eighth year of the reign of Henry the Sixth after the conquest of England.

This tripartite indented deed, made between John Holman, rector of the parish church of Heanton Punchardon, of the one part; and John Denys, John Saunders, Henry Boughdon, clerk, Nicholas Bovy, John Wyggers, Simon Broyte, John Phyllyppe, William Chevener, Walter Forste, John Babyngton, John Spere, John Smyth, Thomas Wyggers, Richard Holomore, Henry Pope, John Quans, John Martyn, Wm. Morlays, James Veryer, John Culine, Richard Marke, William Holomore, Thomas Holomore, and John Otryham, of the second part; and John Stanbury, perpetual vicar of the parish church of Barnestapol, John Babyngton, and John Puggesleigh, wardens of the goods of the aforesaid church of Barnestapol, of the third part; *Witnesses* that, seeing the aforesaid John Holman has given, granted, and by his tripartite indented deed has confirmed to John Denys and the others of the second part, their heirs and assigns, all his messuages, tenements, and gardens, with their appurtenances in Barum, which came or descended to him both after, or by, the death of his father, Thomas Holman, and after, or by, the death of Johanna Hayne, his sister; also, all those messuages, tenements, and gardens, with their appurtenances, which the said John Holman lately had, by the gift and feoffment of Henry Hunte, in the borough or town of Barum aforesaid, as more fully appears in the same tripartite deed, the date of which is the tenth day of the month of December, in the 38th year of the reign of Henry the 6th.

The *Intention* of the aforesaid John Holman, and of his grant, donation, and confirmation, is, and at every time was, that the aforesaid John Denys and others, their heirs and assigns, shall permit and allow the aforesaid John Holman, during all his life, to have and receive all the income and profits of the said messuages, tenements, and gardens, with their appurtenances, which came or descended to him both after, or through, the death of his father, Thomas Holman, and of his sister, Johanna Hayne. Moreover, that they will permit and allow the said Henry Hunte to have and receive during all his life all the income and profits of the messuages, tenements, and gardens, with their appurtenances, which the aforesaid John Holman lately had, of the gift and grant of the same Henry, in Barum aforesaid. And after the death of the aforesaid John Holman and Henry Hunte, that the aforesaid John Denys and others, of the second part, their heirs and assigns, and all others who shall hereafter take their place in the way specified below, shall in all future times, from and with the income and profits of the said messuages, tenements, gardens, and their appurtenances, appoint annually a suitable and honest chaplain at Barum aforesaid, to celebrate daily, if he is in good

health, to the Omnipotent God, to S. Mary the Virgin, and S. Anne, in a certain chapel of S. Anne, situate in the Churchyard of the parish church of Barum aforesaid, immediately after the Mass of S. George, for the souls of the aforesaid John Holman, and Henry, their parents, and all the faithful departed, and those friends and benefactors who have assisted the said Chantry of St. Anne by any alms or benefaction. Also for the souls of divers other persons, whose names will appear on a certain tablet to be placed by the aforesaid John Holman over the altar in the same Chapel and on another tablet hanging near the aforesaid altar, and for the souls of all the faithful departed, except on the principal and other feast days when it might be to the prejudice of the parish church aforesaid. And that the aforesaid chaplain shall be named, elected, and admitted by the perpetual Vicar of the Church, aforesaid, the Mayor of the town of Barum, aforesaid, and his associates for the time being, and by the said John Denys, and the others of the second part and their successors, or the major part of them, as often as, and whenever it shall be necessary, or the said Chapel shall hereafter be vacant. And if it shall happen that the said Chaplain shall commit any crime from which a grave scandal arise, and this is proved in form of law, he shall be removed, and another suitable and honest one of good reputation shall be nominated and appointed by the aforesaid persons, and in like manner it shall be done as often as the Chaplain appointed shall be convicted of such an offence, which Heaven forbid: otherwise, the Chaplain shall remain in his office during his life, unless he accept a benefice elsewhere. Moreover, the said Chaplain shall be present in his surplice at the celebration of all Divine services in the Church aforesaid, on the principal Sundays, and other feast days in which Divine service shall be sung in the choir and chancel of the aforesaid Church by note, in augmentation of Divine service in honour of God, of the Virgin Mary, and of the apostles SS. Peter and Paul. Furthermore, the aforesaid Chaplain being about to celebrate at each mass in the form aforesaid, and specified, after the gospel at the first standing by the piscina shall say the Psalm "De profundis clamavi," with the prayers following, and the prayer of the faithful for the souls of John and Henry, and of all the faithful departed. And the said Chaplain shall celebrate each week in St. Anne's Chapel, a requiem mass for the souls of the aforesaid John and Henry, and their parents, and of all the faithful departed, and shall twice in each week say a Placebo and Dirige with commendations for the souls above mentioned. And the aforesaid Chaplain shall receive annually from the income and profits above mentioned, for his salary, one hundred shillings sterling, from the above feoffees and their successors in equal portions at the four principal terms of the year. namely, at the feasts of the Nativity of our Lord, at Easter, at the Nativity

of St. John the Baptist, and at the feast of St. Michael the Archangel, or within six weeks next following after any of the aforesaid feasts. And if it shall happen that the said Chaplain shall omit the service at any time unless he give a reasonable excuse for his omission, he may at the discretion of the said feoffees forfeit sixpence for each day of such omission. Furthermore, the said John Denys and others of the second part and their successors shall after the death of the aforesaid John Holman and Henry, annually elect one of their number as manager and receiver of the rents, and to look after all the messuages, tenements, and gardens, who within seven weeks after the feast of Christmas, Easter, St. John the Baptist's Day, and Michaelmas, shall place all the money received by him, excepting any sums he has paid to the Chaplain for his salary, in a certain chest kept in the church of Barum aforesaid, provided for containing these monies and deeds and muniments pertaining to the said messuages, tenements, and gardens, which said chest shall be fastened by three locks, the key of one to be kept by the Vicar aforesaid, another by the Mayor, and the third by the warden of the property for the time being, to whom, God willing, the keys shall for ever remain.

THOS. WAINWRIGHT.

Grammar School, Barnstaple.

NO. XXXV.

Documents Relating to St. Anne's Chapel, now the Grammar School (Continued).

Furthermore, each of these wardens and receivers shall annually, within seven weeks after the feast of Michaelmas, before the feoffees for the time being or the major part of them, the Vicar, and the Mayor, give a faithful account of his receipts and expenditure in connection with the said messuages, &c., and shall receive for his labour the sum of three shillings and fourpence. Also all the said wardens, on receiving the key of the said chest, shall give security before the said feoffees and their successors that they will, to the best of their ability, keep and look after the said chest, the deeds and muniments, and moneys aforesaid, and will lay out and expend those moneys in the following way: Before all other things it is necessary that all needful outlay be made for rebuilding, repairing, and maintaining the said messuages, tenements, and gardens according to the discretion of the warden and receiver and the major part of the feoffees and their successors. In the next place, the said parties shall not allow more than twenty pounds to remain in the said chest, but, the salary of the chaplain, and other necessary expenses having been paid, the surplus shall be disposed of as follows: One part shall be expended in pious uses for the poor and needy, for the good of the souls of the said John Holman and Henry, their parents and benefactors, and all the faithful departed. Another part of the surplus shall be employed for the relief of the inhabitants of the town of Barum, namely, for paying the fifteenth or any levy of the King. A third part of the surplus shall be kept and employed for the repair and maintenance of the tenements aforesaid. Also the said John Denys and the others of the second part and their successors, or the major part of them, shall admit and expel all the occupiers of the said messuages, tenements, and gardens, and this always for the profit and advantage of the said Chapel of S. Anne, as in their discretion they judge that it should be done. Furthermore this deed, or some extract and abbreviation of the same, shall be publicly read in the mother tongue on the second Sunday in Advent each year, by the Vicar or some other priest, who shall receive for his trouble the sum of four pence from the aforementioned income, which deed or the abbreviation thereof shall also be read once a year, on S. Anne's day, in the said Chapel of S. Anne, by the chaplain thereof. And further, the said John Denys and others of the

second part, their heirs, assigns, and successors, shall annually celebrate an anniversary, namely, on the morrow of S. Anne, in the said chapel, for the souls of Sir Thomas Beaumont, knight, Lady Philippe his wife, Philip Beaumont, Esquire, their heir, and all the sons and daughters of the same: also for the souls of the aforesaid John Holman, formerly rector of Heaunton, his parents and benefactors, of Henry Hunte, Richard Pytteman, and Willina the wife of the same, of Walter Hayne and Johanna his wife, and for the souls of all the feoffees, of the keepers of the keys of the chest, and of their successors for ever, and for the souls of all the faithful departed. And the aforesaid John Denys and others of the second part, their heirs, assigns, and successors, or the major part of them, together with the keepers of the keys of the chest, shall distribute and divide on the day of the aforesaid anniversary, according to their discretion, twenty pence among the priests and clerks then and there present, and twenty penny loaves of bread among the poor and needy dwelling in the town of Barum And also the aforesaid John Denys and others of the second part, their heirs, successors, and assigns, or the major part of them, together with the keepers of the keys of the chest aforesaid, shall deliver annually to the Prior of the Priory of S. Mary Magdalene of Barum aforesaid, and the community of the same three shillings sterling, to keep annually the anniversary of the aforesaid John Holman and Henry and all their parents and benefactors, namely, on the morrow of the feast of Anne: of which the Prior shall have twelve pence for himself if he is present, and the residue shall be divided and shared equally by the community of the said house. Moreover, the said John Denys and the others of the second part, their heirs, assigns, and successors, or the major part of them, together with the keepers of the keys of the chest, shall deliver and pay annually to the chaplain of S. George for the time being, three shillings and four pence sterling beyond their pension from the town of Barum aforesaid, to celebrate and pray by name on all the days on which it is accustomed to mention the names of the brethren and sisters of the guild of S. George aforesaid, that is to say, for the souls of Thomas Holman and Margery his wife, and John Holman, clerk. Further, one copy of the said tripartite indented deed, with a copy of this indenture, shall be kept in the chest aforesaid: the second copy of the deed, with the second copy of this indenture, shall remain in the custody of the perpetual Vicar and the churchwardens of the parish church of Barum, for the time being; the third copy of the deed and the third copy of this indenture shall remain in the custody of the Prior of the Priory of S. Mary Magdalene of Barum, and the community thereof, and they shall so continue for all future time by the help of God. And whenever it shall happen that the said John Denys and the others of the second part shall all of

them, excepting four, have fallen asleep in the Lord, "obdormiv'unt in dno," then those four then surviving shall feoffee twenty-four other of the more honest and worthy men dwelling in the town of Barum, in all the said messuages, tenements, and gardens aforesaid, with their appurtenances, through the nomination and assignment of the Prior of the Priory of S. Mary Magdalene, of the perpetual Vicar of the parish church of Barum, and eight associates, to have and to hold the said properties of the capital lords of that fee, by the rents and services then due and accustomed, for the intention and effect in all things as has been declared and specified above, and so from feoffees to feoffees for ever, by the nomination and assignment of the persons recited above, and this as often as shall be necessary for the purpose of carrying out the purposes specified above, as they will answer to God on the day of judgment. And if any one shall hereafter dare to violate or impede this intention and effect or the carrying out of the things specified above, which God forbid, may he, until he amend himself, incur and have the indignation and curse of Almighty God, of S. Mary the Virgin, of the Apostles SS. Peter and Paul, of S. Anne, and of all the Saints. In testimony of which thing the aforesaid John Holman has set his seal to these indented tripartite deeds, and also the aforesaid John Denys, John Sanders, Henry Boughdon, clerk, Nicholas Bovy, John Wyggers, Symon Broyte, John Phillipps, William Chevener, Walter Forst, John Babyngton, John Shere, John Smyth, Thomas Wyggers, Richard Holomore, Henry Pope, John Quans, John Martyn, William Morlays, James Veryer, John Culme, Richard Marke, William Holomore, Thomas Holomore, and John Otyrham have set their seals, with these witnesses—Philip de Belmont, Richard Chychester, and Richard Brenthill, Esquires, William Pyllond, William Merewode, and many others, who have set their seals to the present tripartite indented deeds, in testimony and evidence of all the aforesaid things. Given at Barnstaple aforesaid, on the twenty-fifth day of the month of December, in the year of our Lord one thousand four hundred and fifty-nine, and in the thirty-eighth year of the reign of Henry the Sixth after the Conquest of England.

THOS. WAINWRIGHT.

NO. XXXVI.

Documents Relating to St. Anne's Chapel, now the Grammar School (Continued).

A.D. 1487. Conveyance of the properties of St. Anne's Chapel to new feoffees.

To all the faithful in Christ to whom the present tripartite indented deed comes, John Denys, Henry Broughdon, clerk, Simon Broyte, and James Verier, eternal salvation in the Lord. Know that we, the aforesaid John, Henry, Simon, and James, have delivered, and by this present tripartite indented deed of ours have confirmed, to Robert Symons, William Denys of Orlegh, John Hert, Thomas White, John Smyth, Walter Michell, William Dobyn, Philip Warmyngton, William Kebyll, John Salesbury, John Baron, Richard Prymet, John Welcoke, John Joleph, Robert Comer, Robert Beings, Dionisius Rede, John Mounte, Simon Balyner, Bernard Mowterd, John Diggers, John Scote, John Resker, and John Uppecote, all the messuages, tenements, and gardens, with the appurtenances, in the town of Barnestaple, in the county of Devon, which we formerly received of the gift and feoffment of John Holman, formerly rector of the Parish Church of Heanton Punchardon, to us and our heirs, together with twenty other persons now dead, as appears more fully in a deed dated the tenth day of December, in the thirty-eighth year of Henry the Sixth, to have, and to hold, all and singular the aforesaid with their appurtenances to the aforesaid Robert Symons and others, who shall fully carry out the intention of the said John Holman, as expressed in the aforesaid deed. Furthermore, we, the aforesaid John Denys, Henry Broughdon, Simon Broyte, and James Verier, have appointed and ordained, and put in our place, our beloved in Christ, John Geffray, Nicholas Busshippe, and William Mounke, our true and lawful attorneys, jointly and separately to enter and take seisin in our stead and name of all and singular the aforesaid, with the appurtenances, and deliver to the said Robert Symons and the others full and peaceable possession thereof. In testimony of which thing the aforesaid parties have appended their seals to each copy of these indentures, with these witnesses, Hugh Beaumont, Nicholas Chichester, Antony Wulff, Baldwin Ackelane, Hugh Cause, and many others. Given the twentieth day of August in the second year of the reign of King Henry the Seventh.

A.D. 1524. Conveyance of the properties of St. Anne's Chapel to a new trust.

This deed is similar in form to the foregoing. The four feoffees who survived the other twenty, and conveyed the property were William Denys of Orleigh, John Uppecote, John Joly, and John Reskeyre, the new feoffees being John Manfyld, mayor, Nicholas Denys, Alexander Maryfyld, Thomas Beke, Richard Haydon, Philip Comer, John Goddisland, David Phyllypps, John Holway, John Pryme, John Mannynge, William Davy Baldwin Pearde, John Holand, Thomas Traves, Roger Westecote, Thomas Burgyn, Thomas Westecote, Thomas Davy, Thomas Paule, tanner, Richard Gay, Henry Drew, Thomas Lycette, and John Meryfyld. Their attorneys were John Downe, taylour, and John Warren, senior, the witnesses to the deed being Sir John Basset, knight, John Chichester, Esquire, Thomas Tery, John Rayshlegh, Hugh Caucy, and many others. The date is the first of August, in the sixteenth year of the reign of Henry the Eighth.

The foregoing are the only documents extant relating to the endowment of the chantry of St. Anne by John Holman. It is not to be assumed that the chapel was then built: the building was of much more ancient date. John Holman was not, therefore, its founder, but its great benefactor. Although described in these deeds as Vicar of Heanton merely, John Holman was subsequently appointed vicar of Barnstaple, his institution taking place, according to the Bishop's register, on the 2nd December, 1461, and his death a few months later. Among the Barnstaple documents a small record occurs, of which a translation inserted here does not appear out of place.

A.D. 1436. The Bishop's license to John Holman.

Edmund, by the Divine mercy, Bishop of Exeter, to our dear son in Christ, Sir John Holman, rector of the Parish Church of Heaunton Punchardon, in our diocese of Exeter, health, grace, and benediction. By the tenour of these presents we grant you our special licence, both yourself to celebrate Divine Service, and also to hear any suitable priests celebrate in your presence in any place duly fitted up for the purpose, within our Archdeaconry of Barnstaple, in our said diocese, provided no injury be thereby done to the mother churches. Given under our seal, in our manor of Chudleigh, on the 6th day of December, in the year of our Lord 1436, and of our translation the 16th.

Notwithstanding the curse imprecated on any one who should divert the building and its property from the pious uses to which they were dedicated, the whole was secularised in the reign of Edward the Sixth, as will be seen below, and given to two courtiers, the Prideaux. These courtiers were both distinguished lawyers, Roger especially so. He acquired through Court favour Soldon, in the parish of Holsworthy, and considerable property besides in Devon and Cornwall. Nicholas

was a younger son of Falk Prideaux, of Thuborough, by Katherine, daughter of Sir Humphrey Poyntz. He settled Soldon on his nephew, Roger Prideaux, third son of Humphrey Prideaux, of Thuborough, by Joan, daughter of Richard Fowele, of Fowelscombe, who married, 1549, Philippa, daughter of Roger York, serjeant-at-law. Roger died 1581, and from him is lineally descended Charles G Prideaux Brune, Esq., of Prideaux Place, Cornwall, the present representative of this ancient family, to whom I am indebted for these particulars respecting the members of that family who became possessed of the site and possessions of St. Anne's Chantry.

A.D. 1549. Sale of the Chantry and Lands belonging to the Chapel of S. Anne.

To all the faithful in Christ to whom these presents shall come, Nicholas Prideaux, of Soldon, in the county of Devon, knight, and Roger Prideaux, of London, gentleman, eternal salvation in the Lord. Know that we for the sum of one hundred and eight pounds and thirteen shillings of the legal money of England, paid to us by Henry Cade, Thomas Davy, John Butler, Roger Worthe, Robert Salysbury, Robert Appeley, and Robert Cade, of Barnstaple, in the county of Devon, merchants, have delivered, granted, feoffeed, sold, and, by this present deed, confirmed, to the aforesaid Henry Cade, and the others, all the chantry lately held by us in the chapel of S. Anne, in Barnstaple aforesaid, now dissolved, and all those messuages, lands, tenements, cottages, gardens, shops, stables, meadows, pastures, commons, and hereditaments of ours whatsoever, with their appurtenances, now or lately in the several holdings or occupations of Robert Cade, Richard Skynner, John Smith, George Stapildon, David Cooke, Thomas Martyn, Chaplain, David Palmer, William Pawle, William Delbridge, Thomas Wyatt, William Canforde, Robert Hygett, Agnes Plymme, John Hoskyn, Alice Bondethy, John Cobley, Philip Comer, and Emma Pleys, situate, lying, and being in Barnestaple aforesaid, and in Butporte, in the said county of Devon, or elsewhere, to the said late chantry, in the chapel of S. Anne, formerly belonging, and appertaining, and parcel of the possessions by it lately held: and all other messuages, lands, tenements, meadows, pastures, rents, reversions, services, and hereditaments of ours whatsoever, with their appurtenances in Barnestaple, and Butport, and elsewhere, in the county of Devon, to the said chantry, in the chapel of S. Anne, in Barnestaple, in any way belonging to, or parts, or parcels, or reversions of the possessions of the said late chantry hitherto, excepting and entirely reserving to us, the aforesaid Nicholas Prideaux and Roger Prideaux, and our heirs, that messuage or tenement, with the garden adjacent to the same, with its appurtenances, situate in Barnestaple, in which Simon Marke now dwells, and all and singular the lands, tenements, meadows, pastures, woods, rents, reversions, and certain other

hereditaments whatever, in Wynkeleigh, in the said county of Devon, and formerly belonging to the said chantry in the chapel of S. Anne, in Barnstaple, and parcel of its possessions, and all the woods and copses of the same, with their reversions, rents, profits; and the properties thus granted shall be held as fully, freely, and lawfully as any chaplain, chorister, or incumbent of the said late chantry, or any other person, or other persons, had held or enjoyed, or ought to hold or to have held the aforesaid or any parcel or parts thereof, and they shall be held as fully, freely, and lawfully as they came into the hands of our lord the King Edward the Sixth, by reason of a certain Act of Parliament for dissolving divers chantries, colleges, guilds, and fraternities, passed in a Parliament held at Westminster in the first year of his reign; and as fully, freely, and lawfully as we the said Nicholas Prideaux and Roger Prideaux held the said properties from the gift of the said King Edward the Sixth, under his letters patent, confirmed by his great seal, granted at Leighes on the first day of May, in the 3rd year of his reign, to have and to hold the said late chantry, with all the messuages, lands, tenements, woods, rents, reversions, services, hereditaments above specified, with the appurtenances and profits, to the aforesaid Henry Coles and others, their heirs and assigns, for ever, to the sole use of the said Henry Coles and others, their heirs, and assigns, for ever, to be held of the said King and his successors, as of the Manor of Rialton, in the county of Cornwall, by fealty only, as of free socage, and not in capite. And, further, we, the aforesaid Nicholas and Roger Prideaux, give and grant, by these presents, to the aforesaid Henry Cade and others, the profits, rents, and reversions of the said properties, from the feast of S. Michael the Archangel last past. Also we, the aforesaid Nicholas and Roger Prideaux, agree and grant for us, our heirs and executors, that the aforesaid properties shall be free and exempt from all encumbrances whatsoever. Know, moreover, that we, the aforesaid Nicholas and Roger Prideaux, have appointed our attornies, John Hullande, junior, and John Darte, merchants. In testimony of which thing, we, the aforesaid Nicholas Prideaux and Roger Prideaux, have appended our seals, on the 29th day of May, in the third year of the reign of our lord Edward the 6th, by the grace of God, King of England, France, and Ireland, Defender of the Faith, and of the Church of England and Ireland Supreme Head upon Earth.

A.D. 1550. In the year following the date of the foregoing document, the property therein described was conveyed to a new trust by John Litelston, merchant, and John Budde, potter, for the sum of one hundred and eight pounds thirteen shillings. This new trust consisted of the following persons: James Goddysland, mayor; Roger Worthe, Henry Cade, Thomas Davy, senior, John Manyng, senior,

William Salysbury, John Cutlere, alias Shaptorre, Robert Salysbury, Nicholas Cleanger, John Salysbury, senior, John Mulys, Thomas Greble, Richard Downe, Robert Cade, Robert Appley, Robert Longe, Richard Wetherege, William Dawkyngs, John Holland, John Dart, John Salisbury, junior, John Davy, Edward Calscott, and Hugh Brasear. The said John Litelston, otherwise spelt Lytylston, and John Budde, appointed as their attornies Walter Ellis, draper, and Thomas Aranewe.

Dated the 20th day of January, in the 4th year of the reign of King Edward the Sixth.

THOS. WAINWRIGHT.

Grammar School, Barnstaple.

NO. XXXVII.

Documents Relating to St. Anne's Chapel, now the Grammar School (Continued).

From the records last given it is found that the Corporation purchased the site and properties of S. Anne's Chapel from the Prideaux. The income of the lands and houses seems to have been employed in the general purposes of the borough, while the building itself was reserved as a place of education, and became known as the High School, or the Grammar School. No portion of the property attached to the Chapel was reserved for an endowment, however, and none existed until Richard Ferris, by his will, bearing date the 19th of June, 1646, directed the sum of £10 to be paid to the master annually out of the income of certain lands of his in Parracombe. About a century later, 1760, John Wright, clerk, A.M., master of the school, "being moved with gratitude after receiving for nearly twenty years the above sum of £10 annually, and considering that the said school had the smallest endowment of any grammar school in Devon," gave to the Mayor and Corporation the sum of £100, to be invested by them, and the income therefrom to be paid yearly to the master. Beside its ordinary use as a school, this building at the end of the seventeenth century began to be occupied on Sundays by a congregation of French Huguenot refugees, who landed here in 1685 after the Revocation of the Edict of Nantes, and it continued to be so occupied by their descendants for nearly a hundred years, the worshippers being ministered to in the French language until, by intermarriages, they lost their nationality, and the need for a separate service ceased.

The following is as full a list of the headmasters of this school as can at present be furnished:

Walter Bowen, the reputed teacher of Jewell, and so much esteemed by him that "the very name of Bowen was always a sufficient recommendation to Jewell's favour to those who bore it."

Humphrey Jeffert, buried 12th June, 1589; his infant child being christened Dolorosus on the same day.

Lawrence Symons. The Christian name of this master is only conjectural, but no other Symons appears in the parish register at the period, while there occurs at intervals of about eighteen months the record of the baptisms of about twelve of his children.

1597. Richard Symons, M.A.

1630. Thomas Branker, B.A., "a very laborious and learned schoolmaster." He came to Barnstaple from Lymington, near Ilchester, where he educated John Conant, the divine.

John Roshier, died 1669.

1669. George Hume, died 1693, son of Geo. Hume, master of Tiverton School. He soon retired from the school, and was buried in Pilton Church, where the following inscription is to be seen on his monument:

MEMORIÆ SACRUM.

Georgii Hume, Parentibus vere
Generosis nati, In academiis
Edenburgensi et Andrœana apud
Scotos artium magistri
Pietate
Literis
Eleemosynis } Conspicui.
Comitate
Qui post annos prope quinquaginta
Pueris elimandis feliciter incvbvit
Et Academias nostras quingentis ad
Minus discipvlis svppeditavit.
Se tandem ab istis laboribus amovebat
Ut Deo Vacaret
Quicquid mortale fuit deposvit 30
Anno { Dom. 1693.
Ætatis 80.

The words in the foregoing describing Hume's withdrawing from his labours to enjoy a holiday with God are very happy, and can be well appreciated by a schoolmaster.

Edward Allanson, died 1679.

Nathaniel Viner, died 1680.

1680. William Rayner, M.A., the first instructor of Gay, the poet. He is described as an excellent classical scholar and highly skilled in languages, attentive and consistent in the performance of his duties, and remarkable for strict discipline. From this school he removed to the head mastership at Tiverton.

1698. Robert Luck, M.A., famous for his poetical writings and for having not only completed the ordinary education of Gay, but also inspired him with a taste for poetry. This honour, at all events, he claims in an ode addressed to the Duke of Queensbury and Dover, in which the following lines occur:

"O Queensbury! cou'd happy Gay
This offering to thee bring,
'Tis his, my lord (he'd smiling say),
Who taught your Gay to sing."

The poems, both English and Latin, of Mr. Luck display great talent. Some of them, signed Podargus, he says, were "written to amuse myself under the pains of the gout, whose visits else I had not born so cheerfully"—an intimation that may be of value to such martyrs to that malady as have not yet found any palliation for their pangs. The verses are usually humorous or didactic; many of them are associated with distinguished people, as "An Epistle to the Honourable Lord Clinton, Castle Hill, on the death of Mr. William Casswell"; an ode written "on sight of the Hon. Mrs. Fortescue's picture, given to her in the lid of a snuff-box"; "To Miss Lucy Incledon"; "To the Czarina"; "Ad Rev. Doctissimumque Virum Lud. Stephens"; "Ad Hon. Virum D. Johannem Chichester, Bar.

de Youlston"; "Ad Gulielmum Fortescue Arm."; "Ad illustrissimum principem Gulielmum Nassaum"; "In obitum serenissimæ Reginæ Mariæ quæ variolis correpta fatis cessit Decem. 28, A.C. 1694, Æ suæ 33." Mr. Luck was evidently a lover of good cheer, for he describes banquets with great gusto, and says in giving an account of one—

"Repeating makes the pleasure double.
The sportsman who, with hound and horn,
Pursues the game from earliest morn,
O'er craggy rocks, or verdant plains,
Or thickets, his breathed courser strains—
When wearied he returns at night
The toilsome pleasure does recite."

Mr. Luck gives the following English version of his "Cantata in Scena Barumensi." The Latin of the following song was sung when the gentlemen of Barum School acted Terence's comedy, called "The Self-tormentor":

"If love's a sweet passion why does it torment?
If a bitter, O tell me, whence comes my content?
Since I suffer with pleasure, why should I complain?
Or grieve at my fate when I know 'tis in vain?
So sweet is the pain and so soft is the dart
That at once it both wounds me and tickles my heart.
I pressed her hand gently, looked languishing down,
And in passionate silence I made my love known.
But oh! how I'm blessed, when so kind she does prove
By some willing mistake to discover her love!
When striving to hide it she reveals all her flame,
And our eyes tell each other what neither durst name."

The following lines show that Mr. Luck took an interest in the stirring ecclesiastical controversies of his day, and that he had no Roman Catholic tendencies:

"*An Biblia sint legenda laicis?*" *Aff.*
Cum, sacra Romanis celebrata cœna, sacerdos
Pocula solus habet, cœtera turba sitit.
Cum tonat antistes rostris dictator ab altis,
Et nova mira refert, credula Roma stupet.
Quærere non ausa est Divinæ oracula mentis
Pro populo, solus qui bibit ille legit.
Papa, nimis durus, vinumque et scripta negasti
Sit rapuisse satis pocula: *redde Librum.*

1740. John Wright, A.M.
1772. William Cooke, A.M.
1792. William Dyer.
1795. Henry Nicholls, A.M.
182-. George Johnson, A.M.
1870. T. Marshall, A.M.
1872. Thomas Wainwright. Resigned 1893.
1894. C. C. Cox.

Among many illustrious pupils of this school the following are deserving of special mention:

Doctor Harding, born at Combmartin in 1512. Under Henry the 8th he became Hebrew Professor at Oxford: later, declaring himself a Protestant, he was appointed chaplain to the Marquis of Dorchester, afterwards Duke of Suffolk. On the accession of Mary he became a Roman Catholic, and thereby drew upon himself a most severe castigation from Lady Jane Grey, who had

been under his tuition when he was chaplain to her father, the Duke of Suffolk. This undoubtedly pious and cultured lady says in this letter, "I cannot but marvel at thee and lament thy case, which seemed sometime to be the lively member of Christ, but now the deformed imp of the devil; sometime the beautiful temple of God, but now the stinking and filthy kennel of Satan; sometime the unspotted spouse of Christ, but now the unshamed paramour of anti-Christ." He distinguished himself by the zeal with which he contended for the old faith, especially with the following.

Bishop Jewell, Bishop of Salisbury, the illustrious author of the "Apologia Ecclesiæ Anglicanæ" and other learned works; born at Bowden, in the parish of Berrynarbor, in 1522. Embracing the principles of the Reformation he fled to Frankfort on the accession of Mary, and returned when Elizabeth came to the throne. His "Apology" was so highly esteemed that it was by order of Elizabeth and other sovereigns kept chained in parish churches.

Thomas Brancker, M.A., 1633-1676, the son of the master of the same name, was one of the well-known pupils of the chemist and Rosicrucian Peter Sthael, of Strasburg, whom Roger Boyle had introduced into the university. Under this eminent man Brancker developed his genius in the chemical and mathematical sciences. Brancker became a preacher, but in 1662, not caring to conform, he relinquished his fellowship and retired into Cheshire. There, however, he did conform, and became "minister" at Whitegate, and afterwards rector of Tilston. He was the author of a scientific treatise entitled "Doctrinæ Sphericæ adumbratio, una cum usu Globorum artificialium," and of other works.

William Crompton, M.A., son of Mr. Wm. Crompton, a useful "minister" in Barnstaple, upon whose exclusion—occasioned by a division between Mr. Blake, the vicar, and himself—it was observed that "the town dwindled both in riches and piety," according to Calamy. The son, the Grammar School pupil, became Vicar of Collumpton, whence he was ejected in 1662. He was the author of numerous theological works, some of them bearing the affected titles adopted by many writers in those days, as, for example, "A Wilderness of Trouble Leading to a Canaan of Comfort."

John Gay, 1688-1732, the famous poet. On leaving the Grammar School he was apprenticed to a mercer in London, but the confinement not suiting him, he retired to Barnstaple, where he resided with his uncle, Mr. John Hanmer, the subject of a subsequent notice. In 1732 he visited the Duke of Queensbury at Amesbury, and soon after died in London. His works are too well known to require any detailed notice or eulogium in this place.

Jonathan Hanmer, A.M., Eman. Coll., Camb., 1605-1687, instituted to Instow, 1632, to Bishops Tawton at a later period, and also to the lectureship at Barnstaple; from both these appointments he was ejected in 1662. After his ejectment he preached in Barnstaple, London, and other places. He is described as a preacher of the first rank, and his character was such that Mr. Blake, the vicar, continued his intimacy with him, and would often say, "My heart bleeds whenever I see you to think that such worthy persons should be silenced and cast out." He died at Barnstaple, December 18th, 1687.

John Hanmer, A.M., S. John's Coll., Camb., 1642-1707, son of the foregoing, was educated by Mr. Hume. He declined to subscribe to the Articles, and in 1682 was ordained as a "minister" by Mr. Antony Palmer, the ejected rector of Bratton Fleming, and continued to be the pastor of the Nonconformist Congregation, Barnstaple, until his death in 1727.

Oliver Peard, Mag. Coll., Oxford, 1636-1696, also a pupil of Mr. Hume's, a Nonconforming minister first at Ashford and afterwards at Barnstaple.

Samuel Musgrave, M.D., the learned editor of Euripides.

John Dodderidge entered Exeter Coll., Oxford, 1572. In 1607 he was appointed solicitor-general to James 1st, and in 1612 Justice of the Common Pleas. He died in September, 1628, and was buried the following month in our Lady's Chapel, Exeter Cathedral.

These are a few of the worthies who have received their early education at the Barnstaple Grammar School: the list might be greatly extended, but the writer feels that he is somewhat travelling out of the "Records." He hopes that he may be pardoned for the sake of the interest he naturally feels in the history of this school, and he trusts he may find leisure in another form to give a history somewhat more befitting the deserts of S. Anne's Chapel.

THOS. WAINWRIGHT.

Grammar School, Barnstaple.

NO. XXXVIII.

Sundry Documents referring to the Parish Church of St. Peter.

A.D. 1554. Inventory of certain vestments and adjuncts to Divine Service, in accordance with the Act of Parliament, 5th and 6th Edward the Sixth.

Braunton Hundred.

Barnystaple	Thomas Odam and John Stephyn	Churchwardyns
	Robert Aply and Nicholas Morcombe	Parysheners

Imprimis Rodger Worth, gentleman, Robert Apley, John Mulys, and Wyllyam Dawkyn delyvered to Sir Peter Carewe, Gawen Carewe, knyghts, Anthony Harvey, and Thomas Hatche, ... esquires, commysseners of our late Soverayne Lord King Edward the 6th, as followeth:

Imprimis vj chalices and iii patents of sylver of the valewe £24.

Itm one pyx of ivory, bound wt. sylver, 10s.

Itm j sute of vestyments wt. ij copes of cloth of tyssey, £60.

Itm j sute of vestyments of blewe velvett, wt. the cope of the same to the value of £8.

Itm j sute of vestyments of whyte damaske wt. ij copes of the same to the value of £6.

Itm paide to John Courteney, esquyre, and Edward Ford, gentelman, for the clapers of the bells and other furnytures of the bells, 53s. 4d.

Itm John Parker, esquyre, Richard Fortescue, esquyre, and Lewes Hatche, esquyre, toke oute of the Churche j bell, called a leche bell, iii sacrying bells, and a canapye of sylke, value 6s. 8d.

Itm Sir John Chechester, knyght, pulled down the palme crosse, and caryed away the stones, iron, and led, to the value of 40s.

Itm these parcelles hereafter folowing were solde by the will and consent of the maire of Barnystaple, and hys bretheryn, and the residue of the parysheners for the most parte.

Inprimis ij crosses of sylver gylted, one crosse of sylver, ij cences, ij shyppes, one spone, iiij crewetts of sylver.

Itm vj chalices of sylver parcell gylted, one oyle box, and one pix gylted.

Itm ij candelstycks of sylver.

Itm j pax of sylver.

Md. That the maire then for the tyme beyng wt ix other of the pryncipall of the towne were somond to apere before the saide late commysioners to answere howe the saide goods were solde, and how the money was bestowed, and they beyng sworne, confessed to the said commysioners, in the presence of Robert Oliver, John Oliver, and John Golde, parysheners there, the true valewe, and there shewed the accompte to the saide commysioners which theye allowed to be goode, and thereupon the same commysioners took the same accompte wt. thym.

Item there were solde by the parysheners certaynes vestyments syrplices and alter clothes to what valewe they knowe not.

In the course of the reign of Edward VI. on two occasions commissions were ordered for taking inventories of church goods similar to the foregoing. The first (2nd Ed. VI.) was stated to be issued in order that the goods might be safely kept and placed in the charge of proper persons ready to answer for them to the crown. In the sixth year of the same king another commission was issued, and was more drastic in its operation than the former had been. In the interval between the two issues the second prayer book of Edward VI. had been compiled, and the legislation that had been enacted had ordered the removal of some articles of church furniture that had been spared in the earlier book. It would appear to have been in connection with this commission that the foregoing inventory was made. There is no date given, but King Edward VI. is spoken of as "our late soverayne," and therefore the compilation must have taken place in the reign of Queen Mary, and doubtless in the early part of her reign, before she had made the changes in the religion of the country that she did bring about. The date of the commission is January 16th, 1553 N.S. The king died, and Mary succeeded on the 6th of July in that year. Mr. Apley, whose name occupies a prominent place in the document, was elected mayor of Barnstaple in the autumn of the same year; the date may therefore be fixed at the end of 1553 or the beginning of 1554. The church having been thus cleared of what were considered "popish and superstitious" matters, it becomes very interesting to learn what vestments, etc., were left in the church as being, in the judgment of the early reformers, necessary adjuncts to divine service, and not "popish and superstitious."

This information will be obtained from the documents next given, and will probably be commented on very differently by readers of different ideas as to the mode in which divine service should be conducted. The ritualist, on the one hand, will contend from it that he here finds in a contemporary document evidence justifying his mode of worship, while the Nonconformist will maintain that the "rags of popery" were not all cast off at the Reformation, and that his ancestors had more than sufficient reason for their Nonconformity.

A.D. 1562.—Inventory of goods in the Church of St. Peter, Barnstaple.

Barnestaple.

This inventory, maid the iiijth day of October, and in the fyvefth year of the raiygne of o'r sonveraine lady Ellizabethe, by the grace of god quen of England, France, and Yrland, defendor of the faythe, etc., by Nichollas Whichehalls and John Peard, wardens, Hugh Brazier, William Dakins, John Deymon, and Richard Wytherege, Sydmen, of all suche Church ornamentes as aperteneth unto the said Churche, as followeth:

Furste, one coppe of red clothe of tisew.
Itm, a carpped for the communion table.
Itm, a nold coppe of red silke.
Itm, a coppe of blew velvete.
Itm, ij coppes of blake saye.
Itm, a chisapell and a tynobell to the same.
Itm, a chisapell of whit damaske.
Itm, ij coppes of red for children.
Itm, a chisapell of red silke.
Itm, a chisapell of white allixander.
Itm, a chisapell of blew silk.
Itm, another of blew satin of briges, another of whit fosteyn.
Itm, a banner, vij. sorpleses, ij. rachates, agraill, ij. mas books.
Itm. iiij. prosynalles, iij. manuelles, iij. patons, thon [the one] of gilte, thother of stained gold.
Itm, ij. latin candelstakes, again ij. bolles of a gret candlestak.
(Erasure) a noyll vatte, a corporas cas, and iij. clothes.
Itm, a banner staff of latine, ij. Imnales, iiij. aulter clothes.
Itm, ij. towelles, a vaill clothe to the rowd.
Itm, a nomellet, set forthe by the bishop of London.
Itm, ij. dozen and x. peauter dishes.
Itm, a towell, iiij. bord cloths, a diaper borde clothe.
Itm, a hallie watter bocquet of mettel.
Itm (erasure), mad of a chalis to mynester the communyon in.
Item (erasure), passell gilte to be used to the makynge of the communion coppe.
Itm, a pall of blak and red velvette to cover the dedde.
Itm, iiij. sacren belles and a liche belle.
Itm, a painted aulter clothe.
Itm, a paraphrase of Erasmus.
Itm, a communion cuppe of silver guylt, with a cover of silver guylt, wayng xxiiij. ounces and di [a half].
Itm, a new serples of holland.
Itm, a legen booke, an old aulter cloth of bockram in pains [?].
Itm, a per of portefes, an oyll vat of coppar.
Itm, iiij belles in the touer, a clock and a clock bell.

On the same sheet of parchment are given the names of the persons baptised, married, and buried during the preceding twelve months.

A.D. 1507. A document giving the church rate for the year, headed "The collection of money for the church expenses in the time of William Dobyn, mayor, Alexander Merrifield, and Robert Fynell, churchwardens." The amounts contributed by each householder were very small; the least one was one halfpenny, and the greatest sixpence. The names are entered according to the street in which the ratepayer lived. The commencement is made from North Gate, the following being the details of each street:

					£ s. d.
North strete	contributors	... 86	... total amount	...	17 10½
Crokke strete	,,	... 24	... ,,	...	5 9
South strete	,,	... 56	... ,,	...	10 4
Lycheton	,,	... 11	... ,,	...	2 1
Bowteport	,,	... 53	... ,,	...	10 0
Barre strete	,,	... 50	... ,,	...	9 9
		280			2 15 9½

Among the names of ratepayers occur the following: Stephen Launsay, John Gribbell, Walter Yryshman, Richard Pudding, James the Fleming, Roger Westecote, John Avery, Stephen Strikeleigh, John Smyth, wyredrawer, John Cornyshman and William Salteryn (probably of the family of the "Rose of Torridge," immortalised by Kingsley in "Westward Ho"), Robert Morlays, Bernard Bromwych, John Crokeharne.

A.D. 1625. Appointment of a "preacher or lecturer."

To all trew Christian people to whome these presente shall come, the Mayor, Aldermen, and Burgesses of the borough and parishe of Barnestaple, in the county of Devon, send greeting in our Lord God everlastinge. Know ye that the said Mayor, Aldermen, and Burgesses, for and in consideration that Benjamyn Coxe, preacher of the worde of God, hath undertaken and promised to reade a weekly lecture in the parishe church of Barnestaple aforesaide, to and for the instruction of the inhabitants thereof, in the waies of their salvation, for and duringe the terme of three yieres, to be accompted from the feast daye of the birthe of our Lorde God last past before the date hereof, if God shall so long enable him with health and strength of body to performe the same, have geven, graunted, and confirmed, and by these presents doe for them and their successors geve, graunte, and confirm unto the said Benjamyn Coxe, one annuity or yerely pension of fifty powndes of lawful money of Englande, to have, hold, and enjoye the same annuity or yerely pension of fifty powndes unto the said Benjamyn Coxe, dureing the term of three yeires to be accompted from the said feast daie of the birth of our Lorde God last past, if the said Benjamyn Cox shall continue his saide lecture in the churche of Barnestaple aforesaide; payable at the feaste of the Annunciation of the Blessed Virgin Mary, the Nativity of S. John Baptist, S.

Michael the Archangell, and the birth of our Lorde God, by even porcions unto the saide Benjamin Coxe; and the said Mayor, Aldermen, and Burgesses do for themselves and their successors covenant, promise, and graunte with the saide Benjamyn Coxe, his executors and assignes, by these presents, that they, the saide Mayor, Aldermen, and Burgesses, and their successors shall and will from tyme to tyme, duringe such tyme of the said terme of three yeres as the saide Benjamyn Coxe shall contynue his lecture aforesaide, well and truly pay or cause to be paide unto the saide Benjamyn Coxe his saide pension of fifty poundes in manner and form aforesaide, without fraude or delay. In witness whereof to these presents the saide Mayor, Aldermen, and Burgesses their commòn seale of the corporacion of the saide borough and parishe, which in such case they use, have hereunto set. Geoven the tenthe day of January, in the first yerre of the reigne of our Soveraigne Lord Charells, by the grace of God of England, Scotland, France, and Ireland, Kinge, defendour of the faith, etc.

THOS. WAINWRIGHT.

Grammar School, Barnstaple.

NO. XXXIX.

Sundry Documents referring to the Parish Church of St. Peter (Continued).

A.D. 1482.—Peverell's gift to the fund for repairing the parish church and maintaining the light of St. Peter in the chancel.

Know all men, present and future, that we, Thomas Beaumont, John Talbott, Esquires, John Yeo, and James Veryer, have delivered, and by this present indenture of ours have granted, to Matilda, widow of John Peverell, all that tenement of ours in the borough or town of Barnestapol, with its appurtenances, which is built on the west side of the High Street there, between the tenement formerly Roger Pyncowe's on the north, and the tenement of the late John Jacob and the garden of the late Thomas Webber on the east, and the lane which leads from Crok Strete to Holond Strete on the west, in which said tenement Thomas Whyte now lives, and which with other properties we lately obtained by the gift and feoffment of the said John Peverell and Matilda, to have and to hold the said tenement, with its appurtenances, to the aforesaid Matilda and her heirs of the capital lords of that fee, for the rents and services thence due and of right accustomed. And if it shall happen that the said Matilda shall die without heirs, then we will and by these presents grant that the above tenement shall remain to John Bowdon, Mayor of the borough or town of Barnestapol aforesaid, Philip Stegyn, John Herte, John Brampton, Robert Symons, William Dobyn, John Smyth, Walter Mychell, John Salysbury, John Baron, John Joly, William Kybell, Philip Warmyngton, Dionysius Reed, Robert Berner, and Robert Comer, their heirs and assigns for ever, to repair and maintain the church of S. Peter the Apostle, of Barnestapol aforesaid, and the light of the said S. Peter in the chancel there, with this intention, that the names of certain persons, John Stokhay, John Baynard and Isabel his wife, John Peverell, now dead, and of the aforesaid Matilda, now surviving, may be placed there in a roll of prayers called "the bederoll," to pray annually for those souls in the church as the custom there is. And if the aforesaid John and others, or their assigns, fail to carry out or fulfil all and singular the foregoing, or any of them so fails, then we will and by these presents grant, that the claim of the said persons on the tenement and its appurtenances aforesaid shall cease, and that they shall remain to the heirs of the said Matilda for ever. In testimony of which thing we the aforesaid parties have placed our seal to this indenture, with these witnesses—Richard Chichester, Bartholomew Seyntlyger, Esquires, John Denys, Baldwin Acland, John Scolygdon, and others. Given on the 21st day of October, in the 22nd year of the reign of King Edward the Fourth.

A.D. 1521.—One year's account of the fund for the light before the altar.

Md. that John Elys and John Alyn hath recevyed the rent belonging to the lygth before the hee alter as foleyth—

Imp primis Paul Smyth, £1 4s.
Item, Thomas Beke, 7s.
Item, Walter Popham, 8s. 6d.
This hit ys bestowed yn parcell as folowyth—
Imp primis for wax, £1 12s. 1d.
Item, makyng of the wax 2s. 6d.
Item, for wassyng of the church clothes, 2s. 6d.
Item to the bayles, 1s. 2½d.
Item to the bridge ward, 6d.
Item to the speytyll (hospital), 6d.
Item for makyng off this cownte, 1d.
Md. that on the ninth day of December, in the 13th year of the reign of King Henry the 8th.—John Elys and John Alyn, wardens of the lands and other properties of the above fund, rendered their account and paid over a balance of twopence halfpenny.

A.D. 1370.—Gift of a tenement to maintain the lights of SS. Mary, Peter, and Paul, in the church.

Know all men, present and future, that we, David Ion, clerk, and William Bastard, clerk, have given and granted to Hugh Holbrok, goldsmith, and Agnes his wife, all that tenement of ours, situate in the High Street of Barnestaple, which we had of the feoffment of the aforesaid Hugh: to have and to hold the said tenement with all its appurtenances to the said Hugh and Agnes for their lives, for the payment annually after the death of the said Hugh of twelvepence at Michaelmas to the warden of the lights of S. Mary in the church of SS. Peter and Paul, and twelve pence at the said feast to the warden of the lights of SS. Peter and Paul. And if it shall happen that the said payment shall be in arrear, then it shall be lawful for the wardens of the said lights to enter the said tenement and there make distraint, and to hold possession until full satisfaction has been made. And after the death of the aforesaid Hugh and Agnes, the said tenement shall remain to the said wardens to maintain the aforesaid lights. And we, the aforesaid David and William, will defend the aforesaid tenement against all men to the aforesaid Hugh and Agnes during their lives. In testimony of which thing we have set our seals to this present deed with these witnesses—Edmond Pillond, Richard Delverton, then Mayor of the town aforesaid, Simon Cade, William Gibbe, John Pyrkesworthi, and others. Given at Barnestaple at Michaelmas, in the 44th year of the reign of King Edward the Third.

A.D. 1502. Lands granted to provide for a priest to celebrate masses for the souls of Henry Redwyn and his wife, and for other charitable purposes.

To all the faithful in Christ to whom the present indenture shall come Edmund Holecomb wishes eternal salvation in the Lord. Seeing that the late John Orchard, Simon Broyte, and Walter Froste, by their deed dated the 18th of December, in the 6th year of King Henry the Fourth, granted to me the said Edmund, and to John Culme, John Boughdon, John Puggislegh, John Sequens, William Morlays, Thomas Holemore, John Oterham, Richard Smyth, William Tybbe, Thomas Peryn, and John Hert, now deceased, our heirs and assigns for ever, all those messuages, lands, tenements, rents, reversions, and services, with their appurtenances in Barnstaple, Newport Episcopi, and Southmolton, and elsewhere in the County of Devon, which the same John Orchard, Simon Broyte, and Walter Froste formerly held jointly with Robert Chalvecombe by the grant and feoffment of Henry Redwyn, excepting those messuages, lands, and tenements, with their appurtenances in Barnestaple aforesaid, in which the aforesaid Henry lately dwelt, and those messuages, lands, and tenements, with their appurtenances there which the same Henry had by the grant and feoffment of John Radclif: and except those in Southmolton which the same Henry had by the grant and feoffment of Avicia, widow of Richard Peren, as in the deed aforesaid more fully appears, know that I, the aforesaid Edmund Holecomb, have granted and confirmed to Alexander Myryfild, Hugh Culme, Hugh Caucy, Thomas Beke, Paul Smyth, John Goddislond, Thomas Vreane, William Rydeoute, Thomas Davy, John Roper, John Prymet, junr., Roger Thorne, John Palmer, John Symons, John Salisbury, eldest son of John Salisbury, sen., Simon Andrew, Richard Cokerham, Richard Prymet, tanner, Henry Origge, and Philip Comer, all the messuages, lands, tenements, rents, reversions, and services of mine aforesaid, with their appurtenances, in Barnstapol, Newport Episcopi, and Southmolton to the aforesaid with the exceptions specified, to have and to hold them all to the aforesaid Alexander and others, their heirs and assigns, on the same conditions as those by which the aforesaid Alexander and others held them, namely, that they shall hold or cause to be held annually the anniversary of the aforesaid Henry Redwyn and Agnes his wife, and their parents and ancestors, namely, service for the dead and mass, and find some suitable chaplain to celebrate divine service in the chapel of S. Mary in the parish church of Barnestaple aforesaid, who every day when he is able shall celebrate for the souls aforesaid, and shall be paid out of the rents of the aforesaid properties, and that the residue of the income of the said properties, one penny only excepted, which shall remain after the payment of the chaplain, the expenses of the anniversary, and the re-

pairing of the properties, shall be given away to poor persons annually in the church on the day of the anniversary. And whenever it shall come to pass that sixteen of the foregoing feoffees shall have died, the four then surviving shall deliver the properties to sixteen other trusty men, to have and to hold them on the same conditions. In testimony of which thing I have affixed my seal to these present deeds. And because my seal is unknown to many, the official seal of the Mayor of Barnestaple, at my special request, is affixed, with these witnesses, William Dobyn, then Mayor, Louis Pollard, Robert Symon, and many others. Given at Barnestapol on the last day but one of August in the eighteenth year of Henry the Seventh.

A.D. 1545. Lease of a tenement by the Mayor of Barnstaple and the warden of the light in the chancel of St. Peter's.

Know all men by these presents that we, John Goddesland, Mayor of the town of Barnystaple, and Thomas Wyet, warden of the light in the chancel of the parish church of Barnstaple aforesaid, with the assent and consent of all the burgesses of the said town, have given, granted, and by this present indenture confirmed, to Thomas Davy, a tenement of ours with curtilage, situate and being in Barum aforesaid, between a tenement and garden of the feoffees of S. George of Barum, which Katherine Salysbury now holds on the east and south, and a tenement of John Goddysland on the west, and the King's highway called Crokstrete, on the north, to have and to hold the aforesaid tenement and curtilage to the said Thomas Davy and his assigns for a term of ninety years, to be completed after the date of this indenture, he paying every year to the said Mayor and warden and their successors the sum of thirteen shillings and fourpence sterling, to be paid in equal portions, on the feasts of the Nativity of S. John the Baptist, S. Michael, the Nativity of Our Lord, and the Annunciation of the Blessed Virgin Mary; the said John Davy, during the said term, to repair and sustain the said tenement at his own cost. And if it shall happen that the said sum of thirteen shillings and four pence shall be in arrear for one month after any of the above named feasts, and no sufficient distraint can be made on the said tenement, garden, and appurtenances, or if it shall fall into a ruinous condition, and a notice to repair within the space of six weeks shall be disregarded, we, the aforesaid Mayor and warden during the said term, will acquit and defend the said tenement, to the abovenamed Thomas Davy, against all men. In testimony of which thing I, the aforesaid Mayor, have affixed my official seal, and the warden his seal to one copy of this deed, and the said Thomas Davy his seal to another copy, with these witnesses—Philip Comar, John Mannyng, Henry Webber, Richard Skynner, Roger Worthe, and many others. Given the seventh day of May, in the thirty seventh

year of the reign of Henry the Eighth, by the grace of God, King of England, France, and Ireland, defender of the faith and supreme head on earth of the Church of England and Ireland.

A.D. 1529. Grant of land to maintain the High Cross of Barnstaple.

To all the faithful in Christ to whom this present writing shall come, John Kent wishes eternal salvation in the Lord. Know that I, the said John Kent, for a certain sum of money paid to me, have released, given, and granted, and by this present deed of mine confirmed, to Philip Comer, William Davy, Richard Jacob, Thomas Davy, Robert Wescott, Thomas Hoskyn, and Dionysius Uppecott, the moiety of a tenement and garden, with their appurtenances, in Lyston, situate within the borough of Barnestap'e, between the highway called Lyston on the west, a garden of John Chechester, Esquire, on the south, gardens of John Marwood, John Hill, Esquire, and John Horlock on the north, and a meadow of the said John Hill, which Richard Hony now holds on the east, to have and to hold the said moiety of a tenement and garden, with their appurtenances, to the sole use and profit of the fund for maintaining the High Cross of the parish church of Barnstaple for ever. In testimony of which thing I have set my seal to these presents, with these witnesses—Richard Haydon, then Mayor of the borough aforesaid; John Goddisland, and John Merefild, bailiffs of the same; also John Manufyld, Alexander Merefild, Baldwyn Peard, and many others. Given at Barnstaple, on the 26th day of August, in the 21st year of the reign of Henry the 8th.

From a preceding document it will be found that this cross was pulled down by Sir John Chichester about thirty years after this bequest was made, so that the gift of John Kent was a portion of the "gleanings" of church property seized by the Commissioners of King Edward the 6th to supply the "present occasions" of the king's government, which Fuller states to have been the reason of the second raid on whatever could by any means be claimed as church property.

A.D. 1604. Payment of money for pewing the church.

	£	s.	d.
Wm. Pugsle is due for 12 newe seates in 30 shillings per seate amounting unto	18	0	0
Item mor bestowed one his men to drinke		2	4
	18	2	4
Received of Mr. James Beaple, to paye Pugsle for his worke	6	0	0
Item mor rcd of Harrie Downe, in money	5	0	0
Item mor, of John Darracott, then churchwarden, the some of	6	0	0
Item allowed Pugsle, that he owed the towne for his burgeshipe .		19	0
Item due from the towne unto Mr. Downe, whichhe pd. to finysh this account		3	4
	18	2	4

From the foregoing it will be found that in the year 1604 some new seats were placed in the church. Assuming, as seems very probable,

that pews were then being substituted for open benches, Barnstaple was one of the first places in England that made the change. Dean Hook, in his "Church Dictionary," under the word pews, says: "The earliest pew for the use of the congregation remaining, whose age is determined by the appearance of a date, is in the north aisle of Geddington S. Mary, Northamptonshire, the date A.D. 1602. From this time till the episcopate of Wren, Bishop of Hereford, pews seem to have become universal, and only then to have found their deserved rebuke. They seem to have originated with the Puritans, and to have been intended to conceal the persons sitting in them, that they might without conviction disobey the rubrics and canons providing for a decent deportment during Divine service. The injunctions specially avoided under cover of pews were the order to bow at the name of Jesus, and the rule to stand at the Gloria Patri."

A.D. 1422.—Will of John Taylor, of Lichdon.

In the name of God, Amen. I, John Taylor, of Lecheton, being sound in mind, make my will in the year of our Lord MCCCCXXII., in this form. First, I bequeath my soul to God Almighty, to S. Mary, and to all the Saints, and my body to be buried in the churchyard of S. Peter at Barnstaple. Also I bequeath to the high altar of the same church twelve pence. Also I bequeath to S. George's light fourpence. Also I bequeath to John Cleverton, chaplain, twelve pence. Also I bequeath to Emma Strange, daughter of my daughter Ellen Strange, and to her heirs, all that tenement of mine, with the houses built thereon, the gardens, and all their appurtenances which I have in Lecheton aforesaid, which tenement lies between the houses of Thomas Holman, as more fully appears in a certain deed of mine, expressed in these words: Know all men, present and future, etc., to have and to hold the aforesaid tenement and garden, with the houses built thereon, and with all its appurtenances, of the capital lords of that fee, by the rents and services thence due and of right accustomed; but if the said Emma die childless the said tenement shall go to the conservators of the long bridge of Barnstaple, on condition that the said conservators from year to year keep the obit of me myself, of my parents, and all my benefactors, charitably granting to the priest celebrating two shillings for my funeral and for celebrating mass. The residue of my goods I give and bequeath to Emma Strange and John Cleverton, chaplain, that they may dispose of them for my soul as shall seem best to them. And that this will of mine may be the better carried out, I appoint the aforesaid Emma and John my executors. Given at Barnstaple, S. Lawrence's day, in the year aforesaid.

THOS. WAINWRIGHT.

Grammar School, Barnstaple.

NO. XL.

Churchwardens' Accounts. A.D. 1564-5.

The accompte of Olyver Tounne and Thomas Clarke, wardens of the parish church, from the feast of S. Mighell the archangel, in the yere of our Lord God mdlxiv., until the same feast of S. Mighell the archangel, in the yere of our Lord God, mdlxv., that is to say, for one whole year.

The said wardens do aunswere for 16s. 6d., received of the arrerage of the last accompte, and for 3s. 4d., the rent of the tenement in the Almes Lane. And for 4s. received of Robert Fosse for the rent of the land of the heirs of Beare. Some 23s. 10d.

And for £10 1s. 5d. received of the parishners their rated for the maintenance and reparacion of the parish churche their as appereth by the booke of rate thereof made. And for £5 received for seige [seat] money their this yere. And for 20s. received for the graves of [blank] Southracke, widow, Avice Wourth, and [blank] Mannynge, daughter-in-law to Mr. Robert Appley, in the church their this yere. And for 2s. 8d. received for the occupying of the palle at two sundrie tymes this year. Received of divers persons towardes the selinge about the comunion table, 34s. 7d.

Some £17 18s. 8d.

Some of all receipts, £19 2s. 6d.

Whereof they aske allowance.

Paid to Richard Sharishill, for making of three newe seiges in the church their, at the walkynge place, and for removing of two seiges in the same place, and for makynge of the newe dore at the Almes Lane ende, £1 3s.

Item, paid to the said Richard Sharishill, for makynge of a new seige in the church by the greate pillor, and of another newe seige by the church dore, and for the removynge of a seige in the same place, and for setting of two resters, £1 os. 8d.

Item, paid to John Thomas for makyne of a newe seige in the syngynge place, 1s. 8d.

Item, paid to the said John for makynge of a dore at the same place, 2s. 4d.

Item, paid for jemmys and nayles, 11½d.

Item, paid to John Bennett for the removyng of one seate and amendinge of another seate in the church, 1s.

Item, for amending of another seate, 6d.

Item, paid for makynge of a dore to Mistress Mayor's seige, and a matte for Mr. Maior's seat, with jemmys, 3s.

Item, paid for a borde, 4d.
Item, paid for pavynge in the churcheyearde, 3s. 4d.
Item, paid to David Palmer for delvynge of stones, 1s.
Item, paid for caryinge of sande and stones, 1s. 8d.
Item, for three busshells of lyme asshes, 2d.
Item, paid for gatheringe of stones together, 4d.
Item, for makynge of two towells and for ynk and paper, 6d.
Item, to Davy Bedman, for one daye's work, 8d.
Item, paid for two men's wages, and two horses for rydding of the churchyearde, 2s. 2d.
Item, paid for makyne of a new yeate to the churchyearde, 2s.
Item, paid for a latche of yron and two pynnes of yron for the same yeate, 6d.
Item, paid for ij bandes of iron for the same yeate, 8d.
Item, paid for making a newe key and amendynge of a lock for the chauncell dore, 2s.
Item, paid for setting of a plank and two peces under it in Mr. Vicarie's seat, 4d.
Item, paid for 1,000 helying stones, 5s. 4d.
Item, paid to one helyer for a fortnight's work, besides mete and drynke, 5s.
Item, to the same helyer's server for his wages, besides meate and dryncke, 3s.
Item, for their meate and drincke, 9s. 4d.
Item, paid to a helier and his man for one daye's work, with meat and dryncke, 1s. 4d.
Item, paid for lathes, lathe nayles, and hatch nayles, 1s. 4d.
Item, paid unto a pavener for tylynge in the church, 1s.
Item, paid to William Gybbe for washing of the church, 10s. 6d.
Item, for vij bushells of lyme, 4s. 8d.
Item, paid for lathe nayles and hatch nayles, 10d.
Item, paid for v. bushells of lyme and a pecke for washing of the churche, 3s. 6d.
Item, paid for two herryng barells, and a bocat [bucket] to quench the same lyme, 1s. 8d.
Item for a creste, 2d.
Item, for a bell rope, 1s. 6d.
Item, paid to the bedman for takynge in of stones, 2d.
Item, paid to William Gybbe for tylinge of our Lady's guyld, 4d.
Item, paid to David Davy Bedman, for tylinge, 3d.
Item, paid to William Comber for amendynge of the leadden guttur of the church, 7s. 8d.
Item, paid to Thomas Drewe for amendynge of the church pyksye, 1s. 6d.
Item, for a busshell and half of lime for tylinge, 10d.
Item, for carriage of sand for half a day, 8d.

Item, paid in expences of six men of the said parish attending to one visitacion of the Bishoppe and another of the Archdeacon their this yere, 9s. 4d.
Item, paid for the copie of certen injunctions of the Bishopp, 1s.
Item, paid for a boke of prayer against the infidils, 2d.
Item, paid for a booke of common prayer with the communion, 5s. 4d.
Item, for exhibitynge of two billes of presentment of the said six men, at the said two visitacions, 10d.
Item, paid to David Bedman for makynge clene of the pillars and walls of the churche two dayes, 1s. 2d.
Item, paid for candle light and for shewying the goodes and implements of the church, 4d.
Item, paid for lyme for the glazier, 2d.
Some £7 11s. 3½d.
And they also aske allowance paid to Mr. William Dawkyns for keeping of the organs their this yere, £3 6s. 8d.
Item, paid to William Bright, reader attendant of the mornynge prayer, for his wage and stipend this yere, £2.
Item, paid to David Palmer, bedman their, for his wages, and for kepynge of the clocke their this year, £1 1s. 4d.
Item, paid to Symon Drewe, helper of the queare [quire] for his wages this yere, 13s. 4d.
Item, paid to George Sagge, glazier of the churche windows, for his wage their this yere, 6s. 8d.
Item, paid for bred and wyne for the communion their this yere, 24s.
Item, paid to the fower ryngers for their wages this yere, 2s.
Item, paid for grease for the same belles, 10d.
Item, paid for wasshinge of the church clothes, 3s. 4d.
Item, paid to David Bedman for a brome and grease for one bell, 4d.
Item, paid unto the bayliffs of the towne there for high rent of the tenements in the Almes-lane, 1s.
Item, paid to the said bailiffs for fregavell of the said tenements, 2½d.
Item, for makynge and wretynge of this present accompte, 1s.
Item, paid for wretynge of the book of rate of the parishioners their for reparacion and mayntenance of the churche, 1s.
And also they ask allowance for the selinge aboute the communyon table, £3 16s. 10d.
Some, £12 18s. 6½d.
Some of all allowances, £20 9s. 10d.
And so they owe 14s. 5d.
Whereof paid to Davy Redman for ringing in the mornynge, 3s. 4d.
Item, to Hunt, the clerke, for light, 2s. 8d.
So resteth 8s. 5d.

CHURCHWARDENS' ACCOUNTS. A.D. 1558-9.

Barnestaple Churche. The counte of John Pearde and Nicholas Wichhalse, churchwardens there, from the feaste of S. Michell the Archangell in the yere of oure Lord God mdlviii., untill the same feaste in the yere of our Lord God mdlix., that is to say, by one whole yere.

The same wardens answer for money received of the arrerage of the counte of the yere before past as apperith in the same counte, 19s. 5d.

And for the ale sold there this yere per boke, £2 10s. 8d.

And for sege money, 12s. 6d.

And for the grave of Mr. Thos. Davy, 6s. 8d.

And for the grave of Mr. Appleye's mother, 6s. 8d.

And for the grave of Johane, the wife of Maister Mannynge, 6s. 8d.

And for the grave of Wyllyam Ponchard, 6s. 8d.

And for burnyng of wax at divers obites there this year, 8s. 4d.

And received of the heirs of Thomas Beare for a yerely rent out of the house of Thomas Woodam towards the reparacion of the bodye of the church there by the yere, 4s.

And of Thomas Wyet for the rent of the tenements in the Almes-lane by the year, 3s. 4d.

And of Wyllyam Littlestone for the rent of a curtilage lyinge nere to the churcheyarde of the parishe of the heires of Merewode by the yere, 1s. 4d.

Some of all the receites, £16 6s. 3d.

Whereof they ask allowance.

Paid to Wyllyam Dawkyns for his stipend in kepynge the organnes there this yere, £3 6s. 8d.

Item, to David Palmer, Bedman, for his stipend by the yere, 13s. 4d.

Item, to his soone George for blowyng the organnes there this yere, 2s. 8d.

Item, to the ringers of the belles for their wages by the yere, 2s.

Item, to Simon Drew for helping of the quere, 13s. 4d.

Item, to George Gagge for mending of the glass wyndowes this yere, 6s. 8d.

Item, paid unto John Symon, helier, and his men for covering appon Sent Kateryn's Guyld, for their wages, and meat, and drynk, 7s. 11d.

Item, to the same John Symon and his men at diverse other tymes for reparacion appon the coverage of our Lady Guylde, and the tenements in the Almes-lane there, 16s. 6½d.

Item, paid for 2,300 helying stones, 12s. 1d.

Item, for vi busshels of lime, 4s. 3d.

Item, for 600 of lathes, 3s.

Item, paid for lath neles, 3s. 1½d.

Item, for a pece of a refter, 5d.

Item, to John Gregory for a pece of tymber for Sent Kateryns Guyld, with his labour, 2s.

Item, to William Gyble for dressyng of the places where the images were, 1s. 4d.

Item, for defacyng of images and whityng the places where the aulters were, 2s.

Item, for ij Inglish psaulter book, 3s.

Item, for the iiij mens dyner and the wardens, at the Quenes Majesties Visitacion, 3s. 4d.
Item, for makyng of the bill of presentment and exhibityng the same, 2s. 2d.
Item, for the communion table and selyng abowt the same, 13s.
Item, for pullyng downe of the aulters and cariaye away the roble ther of, 3s. 4d.
Item, for a booke of the Inglish service, 5s. 4d.
Item, for washyng of the Churche clothes, 2s. 4d.
Item, to Symon Drew for clensyng a guttur in the churche yearde, 1s.
Item, paid at a brekefast at Pilton churche house, 6s. 8d.
Item, for a bell rope, 2s.
Item, for a skyn of parchement to make the inventarie of the churche goods, 6d.
Item, for makyng of a carpett for the communion table with bokram to lyne the same, 6s. 4d.
Item, to David Bedman for makyng of Communion bred, clensyng the churchyard, and attendance appon the Quene's Visitacion, iij dais, 2s. 2d.
Item, for wyne for the Communion, 5s. 1d.
Item, for wode to burne the images, 2d.
Item, for makyng of wex and fyondyng of bread and wyne before the comyng of the Communion, 11s. 5d.
Item, for a lock for the font, 4d.
Item, for settyng up a dext [desk] in the churche for they Bebill (bible), 4d.
Item, paid for a boke of the injunctions, 6d.
Item, to Thomas Wyet for grease for the belles and a daies work about the belles, 1s. 2d.
Item, for xxxj pounds of waxe, at xj the pound, £1 8s. 5d.
Item, for xv quarts of lamp oile, 7s. 5d.
Item, for iij yerds of Bretton cloth to make ij towles, 1s. 6d.
Item, for wasshyng of one surplus, 1d.
Item, for sope to wash the churche clothes their this yere, 1s. ½d.
Item, to John Gregorie for mendyng the great bell, 1s.
Item, to Thomas Drewe for mendyng a bell clapper, 2s.
Item, to a helier for vij dais work appon John's Guyld, with meat and drynk, 5s. 3d.
Item, to his server for his waiges and for fyndyng the same vij days, 3s. 6d.
Item, for cc of lathes for the same John's Guyld, 1s.
Item, for dccc lath nales for the same, 1s. 4d.
Item, for dcc helyng stones, 2s. 11d.
Item, for iiij busshels of lyme, 3s. 4d.
Item, for charcole, 6d.
Item, for enses (incense), 6d.
Item, for brewyng of the church ale, and a reward given to Anne Plym, the brewster, 9s. 6d.

Item, to Thomas Holme, taberer, 3s. 4d.
Item, paid for chese, iiij stones, 8s.
Item, for c of fagotts, 4s. 8d.
Item, paid to Thomas Davye for the rent of the Almes-lane, 1s.
Item, for fregale to the same, 2½d.
Item, Davye Redman for showing of the ornaments of the churche, 2d.
Summa of all allowances, £15 14s. 4d.
Item, allowed for makying of this present accompt, 1s.
Item, allowed to the same, above charged in this accompt because the collectors recevyd the same, 1s. 4d.
Item, allowed for them that are to paye as it apereth by a bill, 13s. 3d.
Summa total, £16 9s. 11d.
And to them is dew to be payd, 3s. 8d.
Whereof they have recevyd of legacy of Cicile Dolle, 4d.

The foregoing accounts will prove interesting because of their date being just when the Reformers of the Church had fixed the Ritual to be observed. It will be noticed that obits were celebrated in the church before the "pullyng down of the altars and cariaye away the roble thereof," and the "coming of the communion," but that after those events incense, charcoal, and 31 lbs. of wax were bought, the latter, it is to be presumed, for making into candles, as ordered by the injunctions of Edward VI., for "the two lights upon the high altar before the sacrament, which, for the signification that Christ is the very true light of the world, they shall suffer to remain still."

The philologist will note the feminine form "brewster" descriptive of Anne Plym, a form analogous to spinster, the feminine of spinner, and webster the feminine of webber, weaver. All the early documents referring to St. Peter's Church have now been published, but stray notices respecting it will doubtless be found, which will be duly given.

THOS. WAINWRIGHT.

Grammar School, Barnstaple, September 20th, 1879.

NO. XLI.

Royal Charters.

Charters in the general acceptation of the term, that is, letters patent and other grants of franchises, privileges, and authorities from the sovereign, or from feudal or spiritual lords, have usually been deemed the most important and valuable documents belonging to municipalities, and have in most cases been cared for and preserved when all others have been neglected. And in former times, when the production of a charter was necessary to enforce the authority and privileges created by it, the importance of carefully preserving it was undoubted. But at later periods, when the authority of Acts of Parliament became gradually substituted for royal edicts, and more especially after the rights and privileges of Municipal Corporations became reduced nearly to the dead level of uniformity by the operations of the Municipal Reform Act and subsequent legislation, old charters became of little importance except for their historical interest, as showing the antiquity and customs of certain cities and boroughs. Although these commonalties date back far into the Saxon or still earlier periods, it is doubtful whether any actual charters, in the form they subsequently assumed, are in existence of a date previous to the Norman Conquest, though it will have been seen by the Inquisition set out in No. XX. that a claim was so early as 1340 set up by Barnstaple to have possessed a charter from Athelstan. The earliest charter of which we have any precise or authentic account is one granted by Henry II., whose reign commenced in 1154, and which is set out in full in the subsequent charters, but which distinctly refers to a much earlier one granted by his grandfather, Henry I., and also refers to the fact that Barnstaple, as a royal borough, was endowed with the customs and privileges of London.

Our history as a chartered borough is thus carried back to a very respectable antiquity, and its early importance is not the less testified by the numerous charters and privileges bestowed upon it by different kings. Only a very few of those early charters are now in existence among the borough muniments. Indeed, it is not to be expected that the case should be otherwise, as it was the usual custom to require the surrender of old charters before new ones were issued, and our knowledge of the actual contents of the older ones can only be derived either from the copies which were always preserved among the records of the kingdom, formerly kept in the Tower, but now in the Record Office, or from the recitals of them in the subsequent charters, which were called Inspeximus Charters: indeed, the so-called recitals of the previous ones, successively from the

oldest to the latest, were for the most part actual literal copies, commencing, "We have seen (Inspeximus) a certain charter of the late king," etc., and then proceeding to transcribe it in full, beginning with the recitals therein of still earlier ones, so that when this process is continually repeated the new charter becomes so involved as to make it very difficult to read it without confusing dates. No less than twenty charters are recorded or referred to in our annals, but owing to the confusion in the dates of some of them, no perfect list has, I believe, ever been hitherto given. For our present purpose we have now only to deal with those actually existing among our records; but before giving a description of such it will be convenient to present a table of all the charters of which we have any intimation, compiled from a careful collation of the different Inspeximus Charters and other records.

A.D.		
925	Athelstan	Before the Conquest, claimed but not proved.
1100	Henry I.	Referred to in charter of Henry II., and of John, and other Inspeximus Charters.
1154	Henry II.	Set out in full in all the Inspeximus Charters. This will be printed as a specimen in the next number.
1189	Richard I.	Referred to in the charter of John. The actual dates of this and the two previous charters are not set out, only the king's reign being given, but not the regnal year.
1200	John	Charter dated 15th June, second John.
1236	Henry III.	Charter dated 20th March, twenty-first Henry III.
1273	Edward I.	Charters set out fully in Inspeximus of Henry VI., but without dates other than regnal years.
1307	Edward II.	
1444	Henry VI.	Original exemplification of charter, dated 8th March, twenty-third Henry VI., setting out all previous charters. It is entered in full in the Cartulary, and there is an English translation on paper. (A summary of this charter will be printed.)
1477	Edward IV.	Charter dated 8th February, seventeenth Edward IV., set out fully in Henry VIII., and all subsequent Inspeximus Charters.
1511	Henry VIII.	Original charter dated 26th February, third Henry VIII. There is an official attested copy, and also a contemporary translation on vellum among the records (extract printed).
1547	Edward VI.	Letters patent dated 20th November, first Edward VI., referred to in Inspeximus of Elizabeth, and in some subsequent charters; also entered in full in the Cartulary (full extracts printed).

1558	Philip and Mary	Charter of Incorporation, dated 27th May, third and fourth Philip and Mary, set out in Inspeximus of Elizabeth, entered in full in the Cartulary, and an English translation among the records.
1558	Philip and Mary	Charter of Inspeximus of either the same date or the year previous, set out in the Inspeximus of Elizabeth, but we have no copy or other notice of it.
1560	Elizabeth	Original charter dated 18th May, second Elizabeth, entered in full in Cartulary and an English translation among the records (extract printed).
1595	Elizabeth	Original charter, dated 24th November, thirty-eighth Elizabeth, entered in Cartulary (extract printed).
1610	James I.	Original charter by letters patent, for re-incorporation, dated 23rd January, eighth James I., entered in Cartulary (extracts printed).
1611	James I.	Original charter (Inspeximus), dated 24th June, ninth James I. The latest charter entered in Cartulary (extract printed).
1685	Charles II.	Original charter dated 22nd October, thirty-sixth Charles II. (extract printed). In the Cartulary book which was compiled by Mr. Robert Incledon in 1735, he makes a note as to this charter as annexed:

> 'There is a *pourpons* Charter of King Charles II. in the chest of Barum, confirming all former liberties, customs, etc., and establishing all particulars for well governing the town in the full of its constitution. But in regard that Charter was founded on a surrender, and such surrender was never inrolled, the King dying so soon after, such Charter is void and availed nothing, wherefore not regarded."

1678	James II.	A Charter of Incorporation granted, but apparently never issued. It is noticed in the Index of the Record Office. James II. probably abdicated before the charter was promulgated.

As the "Cartulary" is frequently referred to in the above table, it may be as well here to describe it. It is a thin folio manuscript book of thirty-nine leaves, bound in brown leather, lettered Charters, etc., of Barum, 1735, and is in excellent condition and beautifully written throughout. The title page is "Copys of Charters, Records, By Laws, and other Memoirs of Barnestaple, collected by Robert Incledon, Esqre., one of the capitall burgesses, and who hath been twice Mayor, and by him given to the Corporation, to be kept in the Guildhall for the perusal and service of the Magistrates of Barnstaple, in the year 1735." It contains first a complete list of the names of the burgesses who have represented the borough in Parliament from the reign of Edward I. to twelfth Anne, with the dates of the respec-

tive parliaments and the place at which each was held. Then follow full transcripts of the charters of Henry VI., Philip and Mary, the two of Elizabeth, and the two of James, all in their original Latin, but enriched by a great number of valuable notes and marginal references in English. It also contains a copy of the Customs of the City of London, with a note: "The Customs of London having been granted to the burgesses of Barnestaple by several Charters of King John, Henry II., and other Kings, as appears by the Inspeximus Charter of Henry VI., it is presumed this Charter from the City of London was obtained by the Burgesses of Barnestaple to certify to them what the Customs of London were."

The charter, or rather letters patent, of Edward VI., are also set out in full in the Cartulary. This document is especially curious, as showing the tenure under which the burgesses held the manor of Barnestaple, the service being, "finding 4 Horsemen at Arms and 4 Footmen with bows and arrows for 40 days in all warrs." and this is the only royal confirmation of the rights of pillory, gallows, and capital punishment exercised by the burgesses in early times. It has hitherto singularly escaped notice, although set out in several Inspeximus Charters. An exemplification of it is in the chests, which was probably obtained for some other purpose. It has been already given in No. XIV. of these articles; but will be now introduced in its proper place among the charters.

The byelaws of 1690, with marginal notes and frequent explanations and references to authorities, are next entered in full in the Cartulary, and the volume winds up with a short memoir of Barnstaple, principally gathered from older writers, such as Risdon and Leland, and from the Tower Records, but with many curious notices not found elsewhere. The memoir may be worth printing, as it is clearly the foundation for much of Gribble's Memorials and of other so-called histories of the town.

At the time of passing the Municipal Reform Act, the Charter of James I. was the governing charter, and the few privileges not dealt with by that Act, such as freedom by birthright, or servitude, and certain immunities from tolls in some cases, are still claimed and held under that charter; but almost all such rights have been abolished by subsequent legislation, and by the Market and other local acts; the right of voting at elections by freemen residing within a limited distance, but who are not householders, being almost the only remaining privilege for which the franchise is now taken up.

In the next number a description of the original charters, which are still "among our records," with an epitome or notice of their contents, will be given; but for the reasons last named, and the uninteresting character of the later ones, principally town government clauses, which were nearly uniform in all borough charters, and now all superseded by consolidation Acts of Parliament, any full abstracts of such lengthy documents appear unnecessary.

J. R. Chanter.

NO. XLII.

Royal Charters.

Charter of Henry 2nd, about 1160, the earliest recorded charter, translated and transcribed from Inspeximus 7, Henry 6th:

Henry King of England, and Duke of Normandy and Aquitaine, Earl of Anjou, etc., to all Archbishops, Bishops, and Barons, and to my faithful men French and English, greeting. Know ye that I have granted to my Burgesses of the Borough of Barnstaple all the right customs which they had in the time of King Henry my grandfather, having removed all the bad customs which had arisen there after my grandfather. Know ye that they have the customs of London, and so testify before me that they and the Barons of London have the same so freely, honourably, and justly as ever they had in the time of my grandfather. Witness Ambrose Bishop of Excester, Reginald Earl of Cornwall, and Thomas the Chancellor.

Charter of Henry 6th, 1444. This document is on parchment, in fair preservation, having been strengthened by paper, and has apparently been much thumbed. The penmanship is very beautiful, and it has the great seal in green wax appended. It purports to be an exemplification granted on March 23rd, Henry 6th, of a charter by the same monarch, the actual date of which is not given, but being under the great seal it becomes a duplicate original:

Henry, by the grace of God, king of England and France, and Lord of Ireland to whom these present letters shall come greeting. We have seen a certain transcript of a certain Charter of the Lord Henry our Progenitor, etc., being Inspeximus and Confirmation of Charter of 21st Henry 3rd, also Inspeximus and Confirmation of Charter of 2nd John, granting to the Burgesses all the good customs they had in the time of Henry the First, and to have the customs of London as by the Charter of Henry the second, and commanding and confirming that they shall be quit of toll, passage and pontage in lands and waters in fairs and markets, and of secular service and custom through all his lands within sea and beyond, and throughout all his dominion, which his brother, Richard 1st, granted to them; (2) and also of Charter of Edward II., of Inspeximus and Confirmation of a Charter by Edward I., of Inspeximus and Confirmation of a Charter of Henry II., granting to the Burgesses of Barnstaple all the lawful customs enjoyed by them in the time of Henry I., together with the customs of London, which said Charter of Edward

I., after noticing the Charter of Henry III., and confirming all previous grants, concedes moreover that the Burgesses of Barnestaple shall be quit of Murage and Pannage throughout the kingdom and his dominion, and that, though they had not hitherto used the liberties and customs contained in the said Charters to the full, yet they should enjoy them in future without molestation. With further grant (amongst other things) that for the improvement of the Borough, and the accommodation of the Burgesses, in doing their business quietly, they should not be impleaded before justices of the borough for lands within it or its suburbs, or for trespasses or contracts made in the Borough, or suburbs, but before the Mayor and Bailiffs, unless the matter should concern the king himself, his ministers, or the community of the Borough; that they should have Infanganethef and Outfanganethef; that they should not for any pleas within the Borough or suburbs be coupled with foreigners, unless the matter concerned the king, his heirs and ministers, or the community of the Borough; and numerous other provisions. Tested at Westminster.

Charter of Henry 8th, 1511. A short charter on one sheet of vellum in good preservation, with great seal attached, but broken; fragments in bag. There is a modern official and attested copy of this charter, and also a contemporary English translation on vellum, among the records.

26th February, 3rd Henry VIII. Letters patent of this date, commencing with Inspeximus and Confirmation of letters patent, dated Westminster, 8th February, 17th Edward 4th; also Inspeximus and Confirmation of Charter of Henry 3rd, and Inspeximus and Confirmation of Charter of Henry 6th, last set out, with further grants and further concessions of privileges to the burgesses of Barnstaple, these further grants being in the same words as are used for the same concessions in Henry the 6th Charter.

Letters patent and Confirmation Charter of Edward 6th, 1547. This document, which is on one sheet of parchment, with the great seal or private seal attached (now broken and defaced), is of a different character from the other charters, being an Inspeximus of certain proceedings between the Crown and the Feudal Lord of the town in 1281, touching the liberties of the town at that period, and which the king, at the request of one Thos. Davy, who was mayor at about that period, confirmed. This and the subsequent confirmations in the Charters of Philip and Mary and Elizabeth, gave legal force to sundry privileges such as the pillory, tumbrel or ducking-stool, and gallows, and thereby power of capital punishment, which would appear to have been previously exercised only by immemorial usage. This charter is therefore given more fully than the others. It is also copied in full in the Cartulary.

20th November, 1st Edward 6. Edward the sixth, by the Grace of God, of England, France, and Ireland King, defender of the faith, and on earth of the church of England and Ireland supreme head, to all to whom these presents shall come, greeting. We have inspected the tenor of a certain record in the presence of the Barons of our Treasury at Westminster, which record is preserved in the custody of our Chamberlains there, and has the following title, namely, Devon: the pleas of the jurors and assize before Solomon de Loft [Rolfe] and his fellow justices in eyre held at Exeter in the county of Devon in the octave of S. Martin in the ninth year of King Edward (1281), in the Court of pleas of our Lord the King at Exeter. Geoffrey de Cammyle was summoned to answer to our Lord the King on a plea of Quo Warranto, because of his claim to have view of Frank Pledge, the right of gallows, and the assize of bread and ale in Bovey Tracey, which appertain to the crown of England, and that without licence. Whereupon Walter came and said that he holds the manor of Bovey Tracey by the law of England, from the heirs of William Martyn, without whom he cannot answer to the King; these heirs therefore come upon summons, and reply with the aforesaid Geoffrey, and say that the manor of Bovy Tracy is a member of the said William's Barony of Bardstaple, to which the aforesaid liberties appertain, and they say that all the predecessors of the said William from time out of mind have enjoyed those liberties, and on that warrant he claims to hold the said liberties; and he shows no other warrant thereupon. The matter was therefore referred to the King for decision, and the time fixed one month after Easter, at the place wherever the King may be. The same Geoffrey was accordingly summoned to answer to our Lord the King on what warrant he claims to have view of frank pledge, gallows, tumbrel, and the fixing the assize of bread and ale in Bardestaple without the King's licence. Whereupon the said Geoffrey came and said that Bardestaple is the head of the Barony of William, to which such liberties appertain, and that all the predecessors of the said William from time immemorial have enjoyed the said liberties, and on that ground he claims these liberties, and has no other warrant. We have also inspected the tenor of another record before the aforesaid Barons of our treasury kept in the custody of our Chamberlains, the title of which is as follows: Devon: the Crown pleas before Solomon de Rolfe, and his fellow justices in eyre at Exeter in the octave of S. Martin in the 9th year of King Edward (1281). With respect to the hundred of Barnestaple the jurors present that the borough is the borough of Geoffrey de Cammyll which he holds from the heirs of William Martyn and claims to have in the same a pillory, tumbrel, gallows, fair, and market, and has fully exercised these rights, and that the burgesses of that borough owe serjeanty to our Lord the King, namely, to provide

for our Lord the King in time of war in England at their expense four horse soldiers fully armed and four foot soldiers with bows and arrows for forty days, as they and their predecessors have always done to the King and his ancestors; and they say that during the whole time of the late war in the reign of King Henry the father of our present Sovereign, they rendered the aforesaid aid. Now we have caused the above exemplification of all and singular the foregoing to be drawn up at the request of Thomas Davye under the seal of our said Treasurer. Tested by Edward, Duke of Somerset, our Treasurer for England, at Westminster on the 20th day of November in the first year of our reign.

First Charter of Elizabeth, 1560, on vellum, two skins in very good preservation, exquisitely written, with a caligraphic portrait of Elizabeth, headed Vivat Regina. The great seal is gone, apparently cut off, as the attachments are also removed.

18th May, 2nd Elizabeth. Letters patent of this date, commencing with Inspeximus and Confirmation of an Inspeximus Charter of 1st and 2nd Philip and Mary. Inspeximus and Confirmation of the last-named Letters Patent of Edward VI. Inspeximus and Confirmation of the Charter of 3rd Henry 8th, and Inspeximus and Confirmation of letters patent of the 29th May, 3rd and 4th Philip and Mary, for the re-incorporation of the borough of Barnstaple, with appointment of George Stapleton to be the first mayor, Thomas Davy and Robert Worthe the first aldermen, and twenty-two others, including the names of Robert Apply, Robert Cade, Thomas Gribble, Nicholas Wichehalse, Hugh Brasyer, to be the first capital burgesses under the new charter, with several new privileges and authorities, and confirming all the former ones. There is a full English translation of this charter in the chests.

Second charter of Elizabeth, 1595. On two vellum skins, beautifully got up and preserved, with the great seal attached (in a bag).

24th November, 38th Elizabeth. Letters patent for the re-incorporation of the borough of Barnstaple, made at petition of the mayor, aldermen, and burgesses, that her Majesty would, by letters patent, deign to ratify, make, reduce, and anew create them into a corporate body constituting George Pyne, the first mayor, Roger Cade and James Beaple, the two first aldermen, and Robert Appley, senior, John Harris, John Deymond, John Barratt, Richard Bodrige, Paul Worth, William Colibar, Roger Beaple, Richard Avery, Hugh Brasier, William Palmer, Simon Hill, Richard Delbridge, John Wichhall, Robert Appley, junior, John Norreis, Thoms. Skynner, Robert Martyne, Gilbert Harris, Nicholas Downe, Anthony Palmer, and Henry Downe, the first capital burgesses of the said borough, under the authority of the new charter. There is also a capital copy of this charter in the chest with English annotations.

First charter of James, 1610; on three large skins of vellum, with great seal pressed, beautifully got up, with portrait of James and marginal decorations, all in excellent condition.

23rd January, 8th James I. Letters patent for the re-incorporation of the mayor, aldermen, and burgesses of Barnstaple, with appointment of William Shapleigh to be first mayor, James Downe and Bartholomew Harris to be first aldermen, and Paul Worth and twenty-one others therein named to be the first capital burgesses under the authority of the new charter. This charter makes the boundaries of the borough co-extensive with the parish, and gives a very full code of enactments for the good governance of the borough, which are mainly confirmations of the old ones.

Second charter of James, 1611; on two large skins of vellum, with great seal somewhat broken, but otherwise in very good condition.

24th June, 9th James I. Letters patent of Inspeximus and Confirmation of the letters patent dated 26th February, 3rd Henry VIII., of Inspeximus and Confirmation of the letters patent of Henry VI. to the burgesses of Barnstaple, and of all older charters, with divers modifications of the franchises of the burgesses, including the appointment of William Earl of Bath to be first recorder of the said burgh under the new charter, it being conceded to them that the mayor, aldermen, and capital burgesses may elect a deputy recorder to hold office during their pleasure, and sundry new provisions, among others a house of correction for the chastisement of harlots, drunkards, scolds, and other evil livers.

This charter, with that of the previous year, formed the governing charters of the borough, previous to the Municipal Reform Act.

Charter of Charles 2nd, 1685. On three skins of vellum, highly decorated, with portrait of the king. The seal is gone, but the silk braid hangings remain.

22nd October, 36th Charles II. Letters patent for the reconstitution of the Corporation of the borough of Barnstaple, with appointment of George Fairchild to be the first mayor, John Bassett to be the first recorder, Edmund Rice and Richard Salisbury, senior, to be the first aldermen, Roger Jeffery and twenty-one others to be the first capital burgesses, and Edmund Rosier to be the first town clerk under the new charter, with very full provisions for the government of the borough, much as in previous charters. It is endorsed, "A Perpetuity granted to the Mayor, Aldermen, and Burgesses of Barnstaple."

This charter was never acted on. Its existence was not known to Gribble, or any other historians of the borough.

Petition to Mayor regarding Outlays made by Parliamentary Representatives for the Town, 1556.

In the reign of Queen Mary, Robert Appley and George Stapleton represented the borough in Parliament. These gentlemen were pro-

bably only private burgesses of the town—mere merchants or tradesmen, as was usual in those days, when members of Parliament were paid for their services, instead of paying, sometimes pretty smartly, for the honour, as it got to be the case later. The town, however, appears to have dealt rather scurvily towards them, as is shown by a form of petition which has survived more than three centuries, though in a decayed and imperfect state, and therefore partly illegible. The verbiage and spelling are not only antique in character, but, moreover, show that the party by whom it was presented or prepared was somewhat deficient in the ordinary rules of orthography, even of that early period, before the schoolmaster was abroad, and it is therefore given literally as a curiosity. Some of the words in the original are absolutely illegible.

1556. His Worshful Mayer of Barnstable, his Brethern, Cowncell, Burgesses, and Inhabitaints ther.

Whereas her Majestys heyghnes wrytte of hur hyght Coort of Pleament was directed to Shyreff of Devon to send furthe pcepts to all Cytyes borowes and liberties wth in that cowntye for electon of Burgesses to serve at the same hyght Coorte of Pleament. Mr. Mayer and his Brethern upon recept of ye said pcept callyng before them all burgesses and inhabitaints wthyn the towne of Barstable to elect and choyse towe able men to serve yn that behalf assygned, ellected, and choyse for Burgesses of Pleament to dyscharge the towne for that tyme Mr. Robert Apley and George Stapleton, gent., who hathe no lesse they . . . . dyscharged the town for this Pleament, as also certain others the townys affeyrs as by a bill of instructions aperythe as hereafter insuethe; furste the dyscharge of the £4 2s. 3d. with certen arre [arrears] for the market also the enrolment of the charter as also the new sealing the Charter, also for searcheyn heyre for the quo warrant as also reteynyng Cowncell to answere agaynst Ryche, also exhibityng a supplicaton to my Lorde Cardynalls grac for the scole and makyng my Lorde of Excetter, Mr. Deane of Excetter, Mr. Ryxman, and Mr. Benyn Blaxton, our frends yn that behalf, as also our importune sute to my Lord Treasurer, Mr. Secretarye Peter, Sir John Baker, Knyght of the Quenys mest honable Cowncell, wth others to be o frends yin [herein] as yn o sut as you, Mr. Mayer, knowe, we have sett forthe, as also to pcure £80 to be payed for the Rye, etc., to make frends yfore, as also disburcing o owyn money yn yo affeyrs to the no lytle hyndraunce of us yn other tradys and also losse, and also the sustenyg displeasy of gentlemen and men of wurshipe our frends for doyng the same to o no lytle inconvenyens yff nede shold requier at their hand, all thes thyngs concydred we supposed to have hadde thancds for our dyligence herin and o money dew to be payed at o Rettorn whowte further . . . . yn that behalf to have bene . . . off, as also some honest

recompense or rewarde for o rewarde for o paynes for the dysburcyng o money by the whyche we myght have bothe taken pfett and saved laber, all thes thynge justlye weyde (honestye wold that we nott all be . . . Other charges I doe nott speak of here as yett and . . . wolde lyke wysse he remembred for (as the proverbe saythe), The oxe that tredythe the corn wold be unmoysellyd, and yf yo . . be suche that yo busynes desd'vethe no recompence for o labos yett wolde you take nothyng that the lawe I truste woll geve us a towchyng our burgesshipe wthe suche chargf as belongythe to the same and hereafter doubte ye nott for o pts [parts] to be att any after reckenyng or trustyng menis promyssf for any matters that we shall have to doo. By o industrye and labos as heretofore we have doone but we woll be sure of o wages before we doo o sfvices [services].

Item, more a writ procured for Geo. Beare called the perpetat prohib and a supersedias for discharge of Thomas Gryble.

J. R. Chanter.

NO. XLIII.

SUNDRY ORIGINAL DOCUMENTS RELATING TO CHARTERS.—PETITION TO PHILIP AND MARY FOR A NEW CHARTER.

To oure Sovaigne Lord and Ladye the Kynge and Queenes most excellent Maiets.

1555. In their moaste humble wyse besechen your moaste excellent Majesties, your humble, faythefull, and obedyent subjects, the Mayor and Burgenses of your highness towne of Barstaple, in your Majesties Countye of Devon. That whereas your said towne is now in greate ruyne and decaye by reason of the floweing and refloweing of the seaes comyng unto the said Towne, whereby your said subjects have susteyned greate losses and hyndrances, ande have been enfforced to erecte and make at their owne proper costs and chargs a new wharff or key there, conteynynge in length fyve hundredth clotheyards, and more for the deffence thereof, which doth ande wyll stand them at the leaste in fyve hundredth pound, and are also lyke to susteyne and beare dyv's and sundrye other greate and contynewall chargs for the mayntenance and deffence of the said wharffe or keye agaynste the said water, leste the same shuld be utterly decayed and destroyed by the said water, which, yff they should not make deffence for the rage of the water there, your highness said Towne should, in short time, susteyne greate hurt and damage. In considyration whereof, and for that your said subjects are not able to susteyne the greate burthens and chargs aforesaid, and also for the good mayntenance of the said Towne and deffence thereof, and to the entent your said subjects and theire successors, Mayors and Burgenses of your highness said Towne, may be more able to meynteyne the chargs thereof, and to keep good order therein, and for the contynewannce thereof, it may lyke your highnesses to graunt unto your said subjects and theire successors for ever, by your highnesses' Lres. Patent under the greate seale of England, that the said Towne may be incorporated by the name of Mayor and Burgenses wheare the same hath been heretofore incorporated by the name of Mayor and Bailiffs. And that the Mayor of the said Towne and his successors, Mayors of the same, may be yerlye, at a certene daye, elected, chosen, and sworen, before the Recorder of the said Towne to the offices of Mayor, Eschaetor, Coroner, and Clerke of the Market, within the said Towne, and the precyncte and liberties of the same, and also that they may have their market and fayre in the said Towne accordyng to their ancyent custome, payenge, therefore,

the accustomed fee farme unto your highness, your heyres, and successors, and also that they may have the orderynge and keepynge of all orphants goods within the said Towne and Liberties of the same as they of your highness cytie of London have. And, further, wayfs and strayses and the goods of felons, fugytyves, and outlawes within the said Towne and liberties of the same as heretofore they have had with return of all manner of wrytts, processes, and precepts within the said Towne and liberties of the same. And your said subjects, accordynge unto their moaste bounden dutyes, shall dayly praye unto Almyghtie God for your Majesties moaste Royall Estates longe to endure.

MEMORANDUM ON PARCHMENT OF ROYAL ORDER IN COUNCIL IN ANSWER TO FOREGOING PETITION.

1557. May, 3 and 4 Philip and Mary.

Right trustee and right well-beloved. We grete you wel. Letting you understand that whereas our town of Barstable ys an anncyent towne, and nowe in grete ruyne and decaye by reason of the floweing and refloweing of the seas, whereby our loving subjects, inhabitants of the said Towne, have susteyned grete losses and hynderannce, and for the defence thereof, they have been enforced to erect, at their proper costs and charges, a new wharf or key there, conteyning in length fyve hundred clothe yards and more, to there grete coste, as we are creadibly informed. In consideration whereof, and for the good amendment and mayntenance of our said towne and defence thereof, and that our lovinge subjects and their successors maye the better be able to susteyne and beare the charge in and aboute the said wharfe, know ye that we at humble peticon and suyte of our loving subjects, the Mayor and Burgens of the sayd town, are pleased and contented that whereas the saide towne is incorporated by the name of Mayor and Burgesses, to incorporate yt again anewe by the name of Mayor. Aldermen, and Burgesses, and that it shall have contynuance for ever, and to confyrm unto them all such anncyent graunts, jurisdictions, and liberties, as heretofore had by name of Mayor and Burgesses, or by anie other title, either by graunte, letters patent, confirmacons, or lawful prefaracon, by us or any of our progenitours, and that there shall be one Mayor, two Aldermen, and 24 Burgesses, and that they shall have one common seale, and that the constables and other inferior officers there shall be chosen and elect as heretofore, and that they shall have assize of bread and wyne and ale within the said towne without accompt or any other thing to be payde, and that they shall have view of frankpledge, as heretofore they have had, and one Market and one Faire, and the custody of Orphanes goods, and that the Mayor and Aldermen shall have full power and authoritie to take all manner of recognyzances to be paid in the same towne to the use of us,

our heirs and successors. These are, therefore, to require you to cause a book of feoffment, graunte, and assurance thereof, to be made to the said Mayor, Aldermen, and Burgesses, according to our said pleasure, and the same booke subscribed with your handes to send unto us to the intent it may passe our signatures and the proper seales which shall appertayne, and these shall be your sufficient warrant. Given under our sign manual, at the palace of Westminster, the — May, in the 3rd and 4th years of our reign.

APPOINTMENT OF ATTORNEY TO ANSWER A QUO WARRANTO, UNDER BOROUGH SEAL.

1628. 21st April, 4 Charles 1st.

Addressed "To all the faithful in Christ to whom these present Letters shall came, the Mayor, Aldermen, and Burgesses of the Borough and Parish of Barnstaple, greeting." This is a deed under seal, appointing John Keeling and Edmune Okeley to appear at Westminster to answer and defend the charges and complaints set out in a Writ of Quo Warranto, touching the Charter granted to the Town by James 1st therein recited.

LETTERS PATENT APPOINTING MAGISTRATES TO ACT WITHIN THE BOROUGH.

1664. 11th October, 16 Charles 2nd.

Official copy on parchment of Letters Patent under Great Seal, tested at Westminster, reciting the two Charters of James 1st, of 1610 and 1611 and the privileges thereby confirmed of exclusive jurisdiction within the Borough but stating that the King had for good causes him , assigned and appointed, and did thereby appoint, John Chichester, of Hall, in the County of Devon, Knight, Arthur Bassett, and John Gifford of Brightley, Esquires, to be Justices of the Peace within the Liberty aforesaid, with Mandamus to the Mayor and other Justices to admit them as such, and to all Constables, Serjeants at Mace, Bailiffs, and Gaolers to obey and execute their commands.

LETTERS PATENT, WITH COMMISSION TO ADMINISTER OATHS OF SUPREMACY.

1641. 3rd February, 17 Charles 1st.

Charles, by the Grace of God King, &c. To our trustee and well-beloved Gilbert Paige, Mayor of our towne of Barnstaple, George Peard, Esq., Thomas Horwood, Alexander Horwood, Richard Beaple, and William Palmer, greeting. Know ye that ever reposing assured trust and confidence in your fidelities, wisdomes, and discretions, do give and grante unto you full power and authority to tender and administer to all suspected persons that come and passe through the towne of Barnestaple and precints thereof the Oath of Supremacy expressed and contained in a certain Act of Parliament, made in the first year of the raigne of

Queen Elizabeth, and also the oath of Allegiance of the 3rd year of the raigne of our late deare father, King James of blessed memory. Whereupon we will and commande you, diligently to attend the execution of this our Commission, which shall be to you a sufficient warrante and discharge. Great Seal of England appended.

ORIGINAL WARRANT TO APPEAR BEFORE THE KING'S COMMISSIONERS, TO EXPLAIN THE CHARGES MADE AGAINST THE TOWN.

1644. Dec. 9.—To all Christian people to whom these p'sents shall come. Wee, the Maior, Aldermen, and Burgesses of the Burrough and p'ishe of Barnestaple, in the Countie of Devon, send greetinge in our Lord God everlastinge. Whereas dyvers untrue, unjust, and scandalous aspersions and reportes have beene of late and dayly are cast forth, rumoured, and reported of and against the Corporacon of Barnestaple and the inhabitants thereof, which reportes have spredd far and wide, and have been brought to the ears of dyvers men of place and eminency, to the grest defamacon, detriment, and dammage of the said corporacon: Know ye, therefore, that wee, the said Mair, Aldermen, and Burgesses of Barnestaple aforesaid, have deputed, constituted, appointed, and authoryse, and by these p'sents do depute, constitute, appointe, and authoryse our trustie and well-beloved friends Thomas Matthews, Robert Lane, George Rooke, Richard Drewe, John Sweete, and Thomas Greade, to be our lawful and undoubted agentes and solicitors for vs and in our names and steede and our behalfe, to repaire vnto the cittie of Exon or elsewhere as shall be necessary, and to declare and make knowne unto the Hon. Sir John Berkley, knight, Governor of the said cittie of Exon, and others, his Majesties Commissioners there, and to all others to whom it shall app'taine, our innocense and guiltlessness of these crimes so unjustly and scandalously charged vpon us, and by such instructions, proofes, and demonstracons as we have given vnto them, or by what of their owne knowledge they are able to testifie to vindicate our reputacons: and alsoe to make knowne the manifold wronges and injuries which of late have been and dayly are done unto vs, and the greate usurpations and intrusions dayly offered vnto vs, occasioned (as we conceive) by the said scandalous reportes, contraury to our anncient Charter of Liberties and late Articles of Immunities, most graciously by the King's most excellent Majestie confirmed unto vs, and of the said wronges and injuries to crave redresse and reparation, and to execute and p'forme all and whatsoever shal be necessarie to be done and p'formed touching the premises for and on our behalfe. We the said Maior and Aldermen and Burgesses, ratifyinge, allowinge, and confirminge all and whatsoever our said Agentes shall lawfully doe or cause and procure to be done in and aboute the premises. In testimony whereof wee

have caused the seale of the Incorporacon of Barnestaple to be herevnto affixed the nynth day of December, in the twentieth yeare of the raigne of our Soveraigne Lord Charles, by the grace of God of England, Scotland, Ffrance and Ireland, Kinge, defender of the faithe, &c.

ADAM LUGGE, Maior.
HENRY MASSON.
THOMAS HORWOOD.

A Lease Account, with an Appended Note as Below.

1658.—Nov. 1st.—Memorandum. A letter to be written to Mr. Thomas Westlake, Town Clerk of Exon, about the repayment of £20, paid by Mr. Richard Harris, to some employed by him when Under Sheriff, and was about the £100 fine imposed upon the towne about Langford's business. This £100 imposed by Star Chamber, but the offence is not specified.

Original Certificate on Parchment, with Eleven Seals Attached, and Autographs of the Commissioners.

1662.—24th August, 14th Charles 2nd. By virtue of an Act of Parliament, entituled an Act for the well governing and regulating of Corporations, made in the 13th Charles 2nd, and by virtue of a Commission issued forth under the great seale of England. 19th February, 14th Charles 2nd, to us and other Commissioners for executing the powers and authorities of the said Act within the Borough and Corporation of Barnstaple. We whose names are hereunto subscribed having duly required Nicholas Cooke, John Cooke, and Bartholomew Bisse, Capital Burgesses of the Borough aforesaid, on the 24th December last, and so continued until this time, to take the oaths of allegiance and supremacy, and the oath in the said Act mentioned, and also publicly to subscribe before us the declaration in the said Act, doe certify that the said Nicholas Cooke, John Cooke, and Bartholomew Bissett did this day refuse so to do, having duly tendered the same unto them. In testimony, &c.

Courtenay Pole,
Robert Cary,
Robert Fortescue,
George Yeo,
Henry Stevens,
Jo. Chichester,
Arthur Bassett,
Jo. Giffard,
John Pollard,
John Bury.

Original Document on Parchment, Removing Capital Burgesses and Substituting Others.

1662.—Aug. 25th.—By vertue of an Act of Parliament, intituled an Act for the well-governinge and regulatinge of corporacons, made in the thirteenth year of the raigne of our Soveraigne Lord King Charles the Second, and by virtue of a Commission issued forth vnder the greate Seale of England bearinge date the nynteenth day of Ffebruary, in the ffourteenth year of the raigne of our said soveraigne Lord the King, and directed vnto vs, whose names are subscribed, and others commission's therein named and appointed by our said Soveraigne lord the King for the executeing of the powers and authorities in the said Act expressed within the Burrough and Corporacon of Barnestaple, and in pursuance of the said Act and commission, having deliberately considered the preservacon of the publick peace both in Church and State, and that the placeinge of persons in places of office and truste in corporacons who are loyall subjects to his Majestie may be very much conducinge thereunto, and to the end and intent that the succession in the said Corporacon of Barnestaple may be perpetuated in the hands of persons well affected to his Majestie and the established Govornment, and forasmuch as Nicholas Cooke, John Cooke, and Bartholomew Bisse, capitall burgesses of the said Burrough and Corporacon, their places are become void by their refuseinge respectively to take the oath and to subscribe the declaracon in the said Act mentioned, though thereunto duly required, it is this day, by vertue of the said Act and Commission, therevpon ordered by vs whose names are hereunto subscribed, that Gilbert Page, Christopher Hunt, and Thomas Cole, beinge inhabitants within the said Burrough and Corporacon, and haveinge this day come before vs, and duly taken the oaths of Allegiance and Supremacy, and the oath in the said Act directed, and alsoe publickly subscribed before vs the declaracon in the said Act menconed, and also duly taken all other oaths by the said Act appointed accordinge to the direction of the same Act, to put and place into, and hereby are respectively put and placed into the roomes and places so avoided as aforesaid, that is to say, the said Gilbert Page, Christopher Hunt, and Thomas Cole into the offices and places of capitall Burgesses of the said Burrough and Corporacon respectively. In witesse whereof wee have herevnto sett our hands and seales, the five-and-twentyeth day of August, in the ffourteenth year aforesaid of his said Majestie's raigne, Anno Domini, 1662.

Courtenay Pole,
Rob. Cary,
Robt. Fortescue,
George Yeo,
Nicho. Dennys,
John Bury,
Jo. Chichester,
Arthur Bassett,
Jo. Giffard,
John Pollard,
Henry Stevens.

1684. August.—Copy of a Quo Warranto which was served on the Mayor on the 26th August, calling on the Capital Burgesses to show cause why the Charter of the Borough should not be declared forfeited. (This being a very long and purely formal legal document in Latin, is scarce worth translating and printing.)

ORIGINAL RESOLUTION OF A PUBLIC MEETING HELD THEREON, WITH AUTOGRAPH SIGNATURES.

1684. September 3rd, Barnestaple. Upon a generall meetinge at the Guildhall there of the Mayor and Burgesses of the Burrough aforesaid it was then agreed the Charter of the same Burrough and Parish should be delivered into his Majesties hands *(nemine contradicente)*.

EDWD. RICE, Maior.
BOURCHIER WREY.
JO. GIFFARD.

J. R. CHANTER.

Fort Hill, Oct. 17th.

NO. XLIV.

Address to King Charles the Second. A.D. 1682.

To the King's most Excellent Majesty. The humble Address of the Mayor, Aldermen, Capital Burgesses, and others the Principal Burgesses and Inhabitants of your Majesties Ancient Burrough of Barnstaple in the County of Devon.

May it please Your Majesty, although your Majesties Goodness and Wisdom forced from us not long since some small acknowledgment of our Duties, yet we account we have but half acquitted ourselves till we have assured your Majesty that we do from our Hearts abhor all Leagues, Covenants, Confederacies, or Associations whatsover, which have been or shall hereafter at any time be made without your Majesties Royal Leave and Licence, particularly that Traitorous Association lately made Publick we have reflected on withe equal Disdain and Detestation.

The Principles of that Protestant Faith which separates Religion and Loyalty (which Faith the Association pretends so zealously to defend) we confess we do not understand. But we declare we will stand by your Majesty in defence of the true Protestant Religion establisht in the Church of England by the Laws of the Kingdom, by all those Means and Methods which may consist with your Majesties Justice and Honour, and which your Majesty in your Princely Wisdom shall conceive to be avowable and Expedient.

We infinitely Regret and Grieve (Great Sir) that there should be any of such wicked Principles, and Consciences so profligate, as to project and defend such horrid Councils; but for ourselves we do in all Sincerity profess that we are so far from any thought of lessening the Lustre of your Imperial Crown, or impairing in the least the Grandeur of this Ancient and most Illustrious Monarchy, that we will rather deposite our lives in aggrandizing it.

And we further most solemnly profess that next to the King of Kings we will pay all Duty and Devotion to your Majesty, to whom our Lives and Fortunes are owing, by so many Titles, as to that Prince who of all the world hath best deserved of his People.

The foregoing address was sent to the king some time during the first three months of the year 1682 N.S., when similar communications from all parts of the kingdom were being received by him.

Thos. Wainwright.

Barnstaple, 1899.

NO. XLV.

Early French Documents.

In No. 15 reference was made to the disappearance of most of the French papers; some of these have recently been discovered, carefully folded away inside one of the early charters. They refer to an attempt made by one of the early lords of the castle, Sir John Cornwall, who for a time held the honour of Barnstaple in right of his wife, Elizabeth of Lancaster, Countess of Huntington, to deprive the borough of some of its ancient privileges, which was successfully resisted by the burgesses.

The documents consist of a bill of complaint or petition to the king in Chancery, setting out the alleged misdoings and defaults of the burgesses, the detailed replies of the mayor and burgesses thereto, and a deed of confirmation of their rights and privileges made by the lord. These are all in Norman French. The two first are now translated; the latter, which is a mere formal document in legal phraseology, is given in the original French.

Petition to the Lord Chancellor.

1408. 10th Henry 4th. To the Reverend Father in God, Archbishop of Canterbury, Chancellor of England, sheweth—John Cornewaill, Knight, and Elizabeth Lancaster, Countess of Huntyngdon, his wife, complain against the Mayor and Burgesses of the Borough of Barnstaple, for that whereas our Lord the King, by his letters patent to them, hath granted among other manors, lands, and tenements, the manor of Barnstaple with the said Burgh and fees of Knights, etc., which were John Holland's late Earl of Huntingdon (setting out the descent of the Manor), with all liberties and franchises rightly pertaining thereto, to the Petitioners, to hold as completely as the late Earl held them, the Mayor and Burgesses have hindered and restricted the liberties and franchises rightly pertaining unto the Petitioners within the said Burgh and especially complain—

(1) That the said Mayor and Burgesses have made "Burgesses by the Wynde" of foreign merchants and victuallers repairing to the Burgh, in derogation of the King and his said farmers. (2) That the said Mayor and Burgesses have taken the correction of bread and ale, and retain therefrom to their own use the amerciaments which appertain to the Lord. (3) That they take to themselves the coilage pertaining to the Lord from every ship coming there by sea. (4) That they omit to render the suit and service due twice a year to the Lord's Court from all residents in the Burgh. (5) That they will not suffer the Lord's officers to make attachments in the said Burgh, in accordance with ancient usage

at the Feast of the Nativity of our Lady. (6) That they take to their own use the amercements pertaining to the Lord from Donge-hepys and Ordures (dung-heaps and nuisances). (7) That without the Lord's permission they hold a Court there every Monday. (8) That they take to their own use the fines pertaining to the Lord from denizens there. (9) That whereas they ought to appear at each Court of the Lord's Steward, they refuse to appear oftener than twice a year. (10) That they will not suffer the Lord's officers to take custom, in accordance with ancient usage, from the people of Wales for their merchandize. Of the which matters the suppliants pray remedy.

ANSWERS MADE BY THE BURGESSES TO THE COMPLAINT.

1408. 10th Henry IV. The answers of the Mayor and Burgesses of Barnstaple to the same Bill in Chancery endorsed (in English). "The copye of the Answeres exhibited into the Chauncerye by the Maior and Cominaltye of Barnastaple vppon a compleynt made by Cornwall, and the Covntes of Huntington, his wyef, Ladye of the same towne, touchinge certeyn libertyes claymed and vsed by the Mair and Comynaltye of ye said town in the tyme of Henry the Fourth."

Whereas John Cornewayle, Knt., and Elizabeth Lancaster, Countess of Huntington, his wife, have complayned of the Mayor and Burgesses, in manner and form as is comprised in a writing remaining in the Chancery of our Sovereign Lord the King, etc. The said Mayor and Burgesses as to that first complaint, that they have made Burgesses by the Wind (Bythewynd) of merchants and others, strangers repairing to the same Burgh, in derogation of our said Lord the King, say that the said town of Barnstple is an ancient Burgh and hath been time out of mind, and that their predecessors and ancestors have had by election amongst them a Mayor and certain other franchises and officers such as to an ancient Burgh appertain, and from time out of mind have made and use to make without disturbances as well Burgesses, called Burgesses by the Wind, as other Burgesses, and people, to have benefit and franchise within the Borough as well of Forensecs out of the said town dwelling, as of Denizens dwelling within. And as to the second complaint, the said Mayor and Burgesses say that they, their predecessors and ancestors, from time out of mind, have had the correction of bread and ale and the amerciaments of the same. And as to the 3rd complaint, they say that they find a bushel for every vessel that cometh with cole and lyme, and time out of mind they have had one bushel of cole and one of lime of every vessel and all other merchandize accordingly. And as to the 4th complaint—that all residents within the Burgh ought to do suit to the Court of the Lord two times by the year to the Lete—they say that they and their predecessors have been excused of such suit time out of

mind, and such suit to do they ought not, and they hold by the hands of the Bailiffs certain rights called Frugavel. And as to the fifth complaint, they say that no such attachments have been made or allowed by their predecessors time out of mind. And as to the 6th complaint, they say that the Mayor chargeth the free tenants to bear dung and all manner of ordure out of every street within the town, and to make clean, with dread of punishment, without impeaching the honesty of the town, as it hath been done time out of mind. [This clause is very obscure.] And as to the 7th article and complaint, they say that it hath been so used time out of mind. And as to the remaining complaints, they say that all persons dwelling out of the town, which come within the town, shall answer make to no other person, whatever he be, than the Mayor and the Bailiffs at their Court, and have right and justice, and the issues and amerciaments in such cases belong to them. And as to the complaint that the Mayor and others ought to appear before the Steward in Court, they say that they hold their tenements in Burgage and Socage, and that they have been acquitted thereof, except to the Court of the town, time out of mind, and others they ought to do but two times in the year, the Saturday next after the Feast of St. Faith and the Saturday next after the Feast of Hock Day. And as to the 10th complaint, they say that time out of mind the Mayor doth present 4 men that be Burghers of the same town before the Steward, and he maketh them to swear to serve the Lord in the office of Bailiff, to gather custom without impediment, and that generally they have long enjoyed by good authority the powers which the petition alleges them to have acquired by encroachment, and that they do not intend they shall be mulcted of them.

The determined stand made by the town in support of its ancient rights against the attempted usurpation of the feudal lord appears to have been effective, as in the subsequent year Sir John Cornwayle and Elizabeth Lancaster, his wife, in whose right the Manor and Honour of Barnstaple was then held directly from the Crown, made a deed of ratification of the privileges claimed by the burgesses, which is on parchment, with a fine seal well preserved. It is in Norman French, as the previous legal processes were, and is to the effect that the mayor, bailiff, and commonalty may have, use, etc., all their liberties, usages, and customs, as of old, without further impeachment, vexation, or molestation.

As a curiosity a portion of this document, which is purely formal, is given in the original:

1460. 20th October, 12 H. IV. A toutz yceux qe cestes lres verronnt ou orronnt John Corniwayll et Elizabeth Coumtesse de Huntyndon sa feme salutz en dieu. Sachez qe par ceo qe le maire, ballivez et le coealte del Burgh de Barnestaple ount sy

pleyment responnduz scavant a notre seignieur le roy come a nous en la Chauncelrie a toutz lez articlez et pleyutz par nous encountrez eux monstrez, aleggez et declarez. . . . Done le vingtysme jour del moys Octobre lan du regne le roy Henry le quarte puis le conqueste dusime.

The epitaph on the Countess, in Burford Church, Oxon, may well find a place here, as showing her lineage, and how Sir John Cornewall obtained the lordship:

Here lyeth the body of the noble Princess Elizabeth, daughter of John of Gaunt, Duke of Lancaster, own sister of Henry 4th, wife of John Hollande, Earl of Huntingdon and Duke of Exeter, after whose death she married Sir John Cornewall, Knight of the Garter and Lord Fanhope, and died the 4th year of Henry 6th, A.D. 1426.

J. R. CHANTER.

Fort Hill, October 17th.

NO. XLVI.

The Castle Manor.

In the third number of these papers the complications arising out of the divided jurisdiction and claims of the feudal lords and the immemoriably prescriptive or chartered rights of the burgesses were referred to, and the continued disputes and heartburnings to which this gave rise are evidenced by many of the documents which have been set out in previous articles, and this state of things continued until the whole were finally acquired by the town in the reign of Queen Elizabeth. The principal conflicting jurisdictions were those exercised by the Lords of the Castle Manor, the Manor of Hogg's fee without the walls, and the Manor of Magdalene. The temporal authority of the latter ceased at the dissolution of religious houses in the reign of Henry VIII., when its extensive lands and temporalities were alienated. Hogg's fee, also an appanage of the Crown, was the subject of several letters patent, which will be given in due course. but the action of its Manorial Courts, held up to the beginning of the eighteenth century, was principally fiscal, and they have long ceased or been absorbed. The Lords of the Castle Manor, however, held regular courts, and exercised continuously its various jurisdictions and legal processes within the borough, frequently conflicting with the asserted rights of the burgesses, from the time of the Conquest up to the sixteenth century. They no doubt kept their regular Court Rolls, but as these formed no part of the municipal documents. none of the early ones are found among the Borough Records, but one of them, of the reign of Richard II., having recently been discovered in London, an abstract will be given of it in a subsequent number as showing the nature of its jurisdiction. The history of the descent and successive transfers of the lordship and the Castle Manor, however, forms no part of our present purpose, except as regards such documents as exist in the borough chests. But it is necessary to premise that during many centuries they were the subject of frequent grants by successive sovereigns to a great number of noble and knightly personages, and of as frequent forfeitures and alienations, and that during several reigns the manor and lordship were retained in the hands of the king and held in demesne as a royal burgh. During the reign of Henry VIII., if not earlier, the burgesses became farmers of the lordship, at an annual rent, as shown by several existing receipts; and on the 21st February, in the thirty-sixth year of his reign, letters patent were issued granting the lathstedes, with the entire emoluments of the manor, to the mayor, John Godsland, and two of the capital burgesses, for a term of years, also at a rent. This grant is not now to be found among the borough records, but is

recited in subsequent grants. In 1557, Philip and Mary, by letters patent, granted the reversion subject to this lease, with the lordship and Castle Manor, to one Thomas Marrow, absolutely, and in 1560 Thomas Marrow, being apparently in want of money, granted and conveyed this reversion and the lordship to the burgesses in fee simple, as a mortgage for securing £200, with a proviso for purchasing for £100 more. This mortgage was not redeemed, and Thomas Marrow dying just after, his son and heir, Samuel Marrow, entered into a negotiation with the mayor on the subject of a sale; but as his offer was not accepted, Marrow, on the 7th November, 1565, sold and conveyed all his claims to Sir John Chichester. The consideration actually paid at the time was only £40, with a proviso for payment of £360 more at a future time, but almost immediately afterwards Sir John Chichester made over the fee simple of the manor, and all its rights and privileges, to the mayor and burgesses, reserving only the site of the castle and the accustomed rents and services. The deeds relating to this complicated transaction exist, and will be set out pretty fully, but at this distance of time, and in the absence of explanatory documents, it is impossible to understand the relative positions of the burgesses and Sir John Chichester as to the manor, which will be again referred to after the documents have been given, as the meagre statement in Gribble's Memorials is very imperfect and incorrect.

Mr. Marrow's Mortgage of the Manor.

1560. This Indenture made the 24th October, in the 2nd year of the reign of our Sovereign Lady Elizabeth, etc., between Thos. Marro, of Elindonne, in the County of Warwick, Esquire, of the one partie, and John Dart, Robt. Apley, and Nicholas Wichehalse, of Bastaple, in the County of Devon, merchants, of the other partie, Wytnessythe that the said Thos. Marro, in consideration of £200 now paid, and of a certain sum provided to be paid hereafter, hath barrgained and sold, and by these presents doth grant, give, bargain, and clearly sell unto the said John Dart, Robert Apley, and Nicholas Wichehalse, and their heirs for ever, all that the Lordship and Manor of Bastaple, otherwise Barnestaple, otherwise called Barnestapoll, and all those the Lordship and Mannor of Barnestaple, with their rights, members, and appurtenances, whatsoever in the said Countie of Devon, late parcel of the lands called Richmond Lands, and all and singular Messuages, Burgages, Miils, Cottages, Howses, Buyldings, Tofts, Cottages, Barnes, Stables, Dovehouses, Orchards, Gardens, Lands, Tenements, Meadows, Pastures, Feedings, and Common Wayes, Wastes, Fryth, Heath, Morys, Marishes, Waters, Fishings, Watercourses, Woods, Underwoods. Parks, Rents, Revercions, Services, Ship pasturres, and Shipgates, and all other works, rents, and customs, as well of free tenants as of customary tenants, courts leet, view of frankplege, Lawdaies, and Perquisites of

Courts and Leets, and all that to the Courts Leet and view of frankpledge do belong, wayfes, strayds, free warrens, goods and chatells of felons and fugitives, wards, marriages, escheats, reliefs, heriots, fines, amerciaments, rent charges, rent secks, assize of bred, wyn, and ale, and all store, as well quicke as dead, advowsons and right of patronage of Chuches, Bondmen, and Bondwomen, villeyns with their sequells, all fayres, markets, tolls, taxages, customs, and other rights, jurisdictions, fraunchises, liberties, privileges, profits, commodities, emoluments, and hereditaments whatsoever, with their apurtenances whatsoever, in kind, nature, or form, or by whatsoever name they may be known or taken, sett, lying, being, coming, growing, or renewing, in the town, fields, borrowe, market-plate, parishes or hamylets of Barnestaple, or elsewhere, to the foresaid Lordship, Manor, or Borrowe, belonging or appurtaining, and all title deeds, writings, etc. To have, and to hold, all and singular the said Lordship, Mannor, Messuages, etc., unto the said John Dart, Robert Apley, and Nicholas Whichehalse, their heirs and assigns, to the only use and behoofe of the said John Dart, Robert Apley, and Nicholas Whichehalse, their heirs and assigns for ever. Very full covenants for the title to the Manor and Hereditaments, and claims that they are free from all incumbrance, except leases and copies of Court Roll to tenants. Further covenant by Thomas Marrow, that he will, before the feast of St. John Baptist next after and immediately ensuing the day of the last payment mentioned in these presents, make out a good and perfect title to the Manor aforesaid, and will at all times after the feast of St. John the Baptist, 1563, do all further acts, by fine, feoffement, or otherwise, as may be required for more perfectly conveying the same Manor, etc., as also if it so fortun that default be made in payment of the said £200. Provided that if the said Thomas Marrow do repay, at one whole and entire payment, the said sum of £200, on St. Luke's day, 1562, at the font stone in the Cathedral Church of St. Paul, in London, between the hours of one and four of the clock, then this dede, bargain, sale to be void; and if he do fail to make such payment, then the said John Dart, Robert Apley, and Nicholas Wichalse, within two months next after the said feast of St. Luke, 1563, at the said font stone, shall pay to the said Thos. Marro the further sum of £100 for the full and clear purchase of the said Lordship and Manor and other the premises.

Original Letter from Samuel Marrow.

1565. Mr. Maier,—After my veary hartye commendations, I have, accordinge to your letter, receyved my rent of Barstaple of Mr. Darke, and I have partely opened my mynd unto him, being with me in London, so I wyll declare unto you, and to the rest

of your towne, also I am mynded for that it lyeth farre from me shortlye to depart with it, and because you had a mortgage of it of my father, and more commodious for you, and the rest of your bretherne than for any other man, I thought good to signifye it unto you that you may deal with me for it, as well as other men doe, and I can be better contented that you should have it than any other, and, if you can disburse present monny for it, I wyll presently sell it, but my lowest price is foore hundredth and twentye poundes, and so have I benne offered for it, and if I may have intelligence by letters shortly what you may be mynded to do, I will stay the sellin thereof till I hear from you agayne. Thus fayre you most hartely well. From Hoxton, the 19th May, 1565.—Your friend, Samuel Marrow.

On the back is addressed: "To his very friend, Mr. Brasher, Mair of Barnstaple, give this with speade."

ABSTRACT OF GRANT FROM SAMUEL MARROW TO SIR JOHN CHICHESTER, OF RALEIGH, DATED NOVEMBER 7TH, SEVENTH ELIZABETH.

1565. This is a very rough and concise abstract of the conveyance of the reversion of the lathstedes and emoluments, and of the lordship and Manor to Sir John Chichester, the property being described much as in the last deed, in consideration of £40 paid down, and of £360 to be paid at a future time upon the font stone of the Temple Church, and which contains recitals of the letters patent by Henry VIII. to the burgesses, and those of Philip and Mary to Samuel Marrow, referred to in the introductory statement. As this grant has been given in full in Gribble's Memorials, page 420, from a copy in the Record Office, it is not requisite to print it here.

SIR JOHN CHICHESTER'S RELEASE TO THE MAYOR, ALDERMEN, AND BURGESSES.

1566. To all true Christian people to whom this present writing shall come, Sir John Chichester, knight, sendith greeting in our Lord God everlasting. Whereas the Maior, Aldermen, and Burgesses of the Borough of Barnstaple, and their predecessors, and divers other persons in their right before this time have used to receive, take, hold, and enjoy, and, at this present time, do receive, take, hold, and enjoy all and every those liberties, franchises, lands, tenements, and hereditaments, within Barnstaple aforesaid, hereafter named and expressed, that is to say, the fayre, market, and tolls, within Barnstaple aforesaid, and all other profits and commodities within the said town pertayning to the same, and also the lathestedes, the fish markets, the flesh shamels, the common oven, and also a certain profit called free penny, and also certain yearly rents or payments called free gable intrinsecus and free gable extrinsecus, or by the name or names of one or both of them, and also the several fishings in

the water of Tawe, running by Barnestaple aforesaid, in a place there called the Bridge pool, and also all the void and waste grounds in or uppon the Kay and Strande, and also all new buyldyngs uppon the same Kay and Strand, and also all the gardens lately enclosed and made upon the waste ground of Barnes Hay, and a certain lane thereunto adjoining, with all buildings and hovses erected in the said gardens and waste ground, now, or late, in the several tenure of George Powle, William Collibear, Oliver Peard, Richard Peard, Philip Wyot and Richard Downe, and all the waste and void ground from the said Quay, and new building upon the said Quay to the Castell poynte, and from the Castell poynte to the lane coming down from or by the garden of the foresaid George Powle towards the Queene's highway. And all the voyd waste ground and pasture ground from the north end of a tenement of the heir of Jacob, wherein one John Hill now dwelleth, in Licheton, to the water of Tawe going upwards to the water which divideth the Lordship of Bishoppes Tawton from the Lordship of Barnestaple to the est end of the Marseh, now called Port Marshe, with all Sand Rudge thereunto adjoining, and also a piece of land called Barbygan-lane, and the several backsides of Philip Holand lately enclosed, and one parcell of land called Baylyhay with its appurtenances except the Castell Hill and the Castell grene, the ditches of the same, the wayes thereunto adjoining or belonging, and free coming and going to the Sand Rudges. Know ye that I, the said Sir John Chichester, knight, for divers good causes and considerations, have confirmed, ratified, and approved, and by these presents do confirm, ratify, and approve the estate of the said Mayor, Aldermen, and Burgesses, which they have of and in the aforesaid liberties, franchises, commodities, land, tenements, and other the premises, except those before excepted. To have and to hold the said liberties, franchise, etc., to the said Mayor, Aldermen, and Burgesses, and their successors for ever, to be holden, etc., by the rents and service thereof before due and of right accustomed. And further know ye that I, the foresaid Sir John Chichester, for me, my heirs, and assigns have remysed, released, and quit claimed, and by these presents do remyse, release, and quit claim unto the sayd Maior, Aldermen, and Burgesses, etc., and their successors, all my right, title, clayme, interest, and demand, which I ever had, have, or hereafter may have, of, in, or to the foresaid liberties, franchises, lands, tenements, and other the premises, except those before excepted, so that neither I, the foresaid Sir John Chichester, nor my heirs hereafter, shall not claim or challenge any right, title, or interest in the same, but thereof be utterly excluded for ever, saving, excepting, and always reserving to me all and every such rent, customes, and service before this time going forth of right accustomed to be yielded, paid, and done. And I, the foresaid Sir

John Chichester, and my heirs, all and singular, the foresaid liberties, franchises, etc., to the foresaid Maior, Aldermen, and Burgesses of the Borough of Barnstaple, and their successors, in manner and form aforesaid, against me and my heirs, shall warrant and defend by these presents. In witness whereof. etc., I have, to this present writing, set my seal, the 17th day of August, in the 8th year of the reign of our Lady Elizabeth, Quene, etc.

There are several endorsements of exhibits on this deed, showing that it has been produced on several trials, and on one commission on the 1st September, 1635, signed by Martin Blake, John Halse, Humphery Venner, and Wm. Squier.

J. R. Chanter.

Fort Hill, October 17th.

NO. XLVII.

Deed of Covenant between Sir John Chichester and the Burgesses.

This deed is dated 17th August in the 8th Elizabeth, but by an endorsement it appears not to have been executed until six weeks later. After reciting all the grants made to the Corporation as given in the release printed in the last number, the deed continues:

And the said Maior, Aldermen, and Burgesses doe couenant and graunte withe the said Sir John Chechestre at all tymes herafter yearly to content, pay, and do, or cause to be contented, payde, and done to the said Sir John Chechestre, his heires, and assignes, all such rentes, customes, sutes, services, perquisits of Courtes, which the said Maior, Aldermen, and Burgessois, and their predecessours, or the Bailifes of the said Towne of Barnestaple for the tyme beinge used to paye and do unto the said Sir John Chechestre or to any other persone or personos, whose estate the said Sir John Chechestre now hathe in the said Manor of Barnestaple, by the space of twentie years next before the date hereof, at such tyme and tymes and in such maner and fourme as the said Maior, Aldermen, and Burgessois, and their predecessours, or the said bailiffs before this time, have used to yielde, paye, and do. And also the said Maior, Aldermen, and Burgesses do couenant and graunte with the said Sir John Chechestre that all the Tenants of the said Sir John Chechestre and his heires shall be hensfourthe custome free for payment of any tolls without trouble or denyel of the same by any of the Maiors, Aldermen, Burgesses, or any other officer, or assignes of any of them. And the said Sir John Chechestre doth couenante and graunte for him and his heires, that he and they will, if requested, within one year, make such further assurance of the premises as the Mayor, Aldermen, and Burgesses or their Counsel shall require. Witness the seales of the parties.

Sealed and delivered the last day of September, the year before written, in the presence of us—

Arthur Bassett.
Roger Granifild.
Robert Remond.
Matthew Travis
John Colem.
Simon Slollye.

Thos. Wainwright.

Barnstaple, 1899.

Document on Parchment, with Seal appended, purporting to be a Discharge for £13 14s., Rents or Dues owing from the Crown.

1512. Noverint universi per presentes me Thomam Wyvell, unum Collect Dni Regis, inter alios, in Com. Devon unius xvmo. apud Westmr. eidem Domino Regi concess. recepisse and habuisse die confect present per man. Roberti Comer, Majoris Burgi de Barnstaple, xiii*l.* xiiii*s.* de quibus quidem, xiii*l.* xiiii*s.*, fateor me fore solut dictque Robertum esse inde quiet per presentes sigillo meo signat. Dat xxiiii. die Julii, anno regis Henrici Octavi quarto.

There are other receipts to the same effect and for the same amount in the reign of Henry 8th, the latest being in 1541. One of them has a curious addition—"Five pounds being deducted on account of the poverty of the town," 1514.

1566. 1st May, 9th Elizabeth, witnesseth that I, Sir John Chichester, Knt., have received of John Deyman, Mayor of the Town of Barnstaple, the full and hole sum of eighteen pounds, xis. 9¾d. for all and every Rents, and other Casualties, due from the Borough, for a year's rent, and all arrearages beyond upon the accompt of the year before. Which sums above received I acknowledge myself to be thereof fully contented and paid, and the said Maior quite discharged by these presents. Witness my hand and seal the day and year aforesaid.

There is a similar discharge the year before for £14 as for a year's rent, and the subsequent ones vary slightly.

The entries in the borough account books of this payment thenceforth appear annually, the first being in the following words:

1568. Paid to the lord's officers for all the rent to him due, as it was lately agreed between Sir John Chichester, Knight, and the Mayor, aldermen, and burgesses, namely, £14 17s. 0½d.

Twenty years later, 1587, it stands:

Paid to Sir Robert Chichester, heire, for all rent due to him according to an agreement between Sir John Chichester, grandfather of the said Sir Robert Chichester, £14 17s. 9½d.

No further payments to the Crown appear after 1540; but there is a document, purporting to be a *quietus* from the Exchequer, for all claims and dues, dated 9th Elizabeth, 1567, but without specifying any sums.

Order of Common Councell.

1727, July 3. At a Court of Common Councell held at the Guildhall the day and year aforesaid, it is ordered and agreed as follows:

Whereas Mr. William Hiern, as lessee or tenant of Sir John Chichester, hath lately brought or threatened to bring and conduct one or more action or actions of trespass against Mr. Paul Tucker, receiver of the said borough, for going into and upon the Castle Hill, within the said borough, by the order and direc-

tions of Mr. Mayor, it is hereby ordered that Mr. Louis Gregory, Town Clerk, do cause an appearance to be entered to the same, and do defend such action as counsel shall advise, at the proper costs and charges of the Corporation. And it is also ordered that the said Paul Tucker be saved harmless and indemnified from all charges or damages, etc., by means of the said trespass, or pretended trespass, in or upon the said Castle Hill as aforesaid. Witness our hands and original signatures of the Mayor and 18 capital burgesses.

1727, October 10th. Warrant of attorney under the borough seal to defend the threatened action, and to defend the rights of the town.

Draft Agreement between Sir John Chichester and Corporation.

1774. Whereas the Corporation of the borough of Barnstaple have given unto Sir John Chichester, of Youlston, baronet, and his ancestors annually, two certain dinners, called fish dinners, within the borough and parish aforesaid, and whereas it is mutually agreed between the said Corporation and Sir John Chichester that for the future there shall be but one such dinner given to Sir John Chichester annually, and that the sum of 40s., being the stipend annually allowed by the Corporation for the expenses attending such dinners, shall be applied and disposed in such manner and form and to such purposes as hereinafter mentioned. And whereas also several of the said fish dinners have not been given, and for settling and adjusting the same it is ordered and agreed, between the Corporation and Sir John Chichester, that the sum of £6, being an equivalent of such dinners, shall be paid by the said Corporation, and distributed in manner as hereinafter mentioned, and that the said fish dinner so to be given in future as aforesaid shall be given on the 3rd Saturday in October in every year, and that the said sum of 40s. allowed as aforesaid for the other of such dinners shall be disposed of on the 1st day of January in every year in the following manner *(i.e.)*—One moiety thereof shall be paid to the Trustees for the time being of the Charity Schools within and for the borough and parish of Barnstaple aforesaid as a further support of the said Schools, and the other moiety thereof to the use of such further charity within the borough as the said Sir John Chichester shall on the said 1st day of January yearly direct and appoint the same, and for want of such direction and appointment to such other charity as the said Corporation shall think fit. And it is also ordered and agreed that the said sum of £6 so to be paid in lieu of such dinners as aforesaid shall be paid by the said Corporation on the 1st day of January next and be applied and disposed of to the use of such charity within the borough as the said Sir John Chichester shall direct and appoint the

same. And lastly it is agreed that either party may vacate this order and agreement on giving six months' notice in writing to the other of them of such their intention, and that in such case this order shall cease and determine accordingly.

The above are all the documents relating to the Castle Manor, but it will be seen from them that the idea generally entertained of the manor and lordship being vested in the descendants of Sir John Chichester, and of their still possessing important rights in respect thereof, is of a very shadowy character. His tenure of the Manor was for a very brief period, and even then the borough appears to have possessed, or claimed to possess, superior or conflicting rights, first as having actual possession of the emoluments under letters patent from the Crown, and secondly as holding a mortgage of the reversion, with option of purchase, from Thomas Marrow, under which the legal estate was vested on them. Samuel Marrow only assumed to sell the reversion to Sir John Chichester, and that seems to have been in dispute. Probably the release and quit claim by him so soon after was a compromise. It will be noticed that the description of the franchises, rights, and lands of the manor is very full, leaving little or nothing remaining in the grantors, and the latter deed commences by an acknowledgment of the claims of the mayor and burgesses, and only excepts the site of the castle and the "accustomed Rents and Services." The deed of covenant, which, though nominally of the same date, was not executed until some time after (thereby betraying some sort of hitch), further limited the "accustomed Rent and Services" to such as had been rendered within twenty years, that is, during the lease, and the burgesses then for the first time accorded to Sir John freedom from tolls for his tenants, this not being a reservation, but a free grant. It is shown by the receipts (which are given purposely) that the rent paid to the Crown previously was about £13 to £14, and this probably represents what was paid to Sir John Chichester subsequently, with a small sum in lieu of services. We hear nothing of any other services, nor of fish dinners, for generations afterwards. But, however, it originated, it was dealt with very properly at a later period by its estimated cost being given by Sir John Chichester to the Charity School. Even the very site of the castle has since been alienated by the Chichester family, so there is nothing remaining but bare rent charge. These details of the absorption of the Castle Manor, and its rights by the burgesses, are now of little importance, as, independently of the documents themselves, the Prescription and Limitation Acts have long put an end to all manorial rights and authorities which have not been regularly kept up and exercised within the prescribed periods; but they may be interesting to our townsmen, and show how imperfect are the statements on the subject in Gribble's Memorials.

J. R. Chanter.

Fort Hill, November 4th.

NO. XLVIII.

The Castle Court.

It was stated in No. 40 that only one record of this court had survived. It is a parchment roll, containing the proceedings of the courts in the twenty-second and twenty-third years of the reign of Richard II., 1398. This court, held by the lord himself through his seneschal, concerned itself with matters relating to the honour or lordship, maintaining its rights and punishing infractions and neglects of homage and fealty by fines levied by process of distress, or otherwise; also in recovering and enforcing rents, dues, and services. The court also held pleas in private suits between tenants, much of the same character as those in the Mayor's Court, and they are therefore not set out in the following abstract, which is only intended to show the peculiar features of these Castle Courts.

In the original roll there are marginal notes here and there, the most frequent being, "Let him be distrained," or "fined," with a figure from 1d. to 2s. The lord's name is not set out, but, as the lordship of Barnstaple had lapsed on the death of Lord Audley to the king, Richard II., and had by him been granted to the Earl of Oxford, to hold until the conquest of Ireland should be accomplished, and then to the king's brother-in-law, Holland, Earl of Huntingdon, and Duke of Exeter, the latter was probably the lord of the Castle Manor at this time, and held here the courts for the royalty, which extended far beyond the borough, and accounts for the many noble personages elsewhere, who appear to have been amenable to its jurisdiction, and to owe him suit and service.

1398. Barnstaple Court of the Fees of the Castle there, holden on Saturday next after the feast of Saint Faith the Virgin, in the 22nd year of the reign of King Richard II.

It is commanded as before to distrain Edmund, Earl of Devon, William Beaumont, James Cauddeleghe, Henry Talbot, Ivo Fytwaryn, the Prior of Taunton; Richard Punchardon, Edmund, Bishop of Exeter; William Sharyshill, Baldwin Malet, the heirs of Roger Mony, William Bonvyle, the heirs of Robert Edyngton, to do homage and fealty to the Lord.

The Bailiff as before fined because he did not distrain the heirs of Mathias Hugan, 6d.; Robert Penrys, 6d.; the Prior of St. James, 6d.; Robert Cruwys, 6d.; to do homage and fealty to the Lord and let them be distrained.

The Bailiff fined because he did not distrain Robert Stephen to satisfy Thomas Proktour of 6s. 8d., as heretofore he had in estreats, and let him be distrained.

Henry Lange complains of Richard Mydelcraft, fined for default and licence of a plea of trespass who was attached by the pledge of Simon Mochel and of the Bailiff, and comes not; therefore they are fined, and let him be better distrained.

Thomas att' Leye by attorney complains of John Pyn of a plea of trespass. And the imparlance remains until the next (Court) at the prayer of the parties. He is convicted.

Walter Sounder puts himself (upon) the Inquisition against Stephen Cork that he did not unjustly abet Ralph Getene, tithingman of Sottecomb, that the same tithingman should present in the Hundred of Blak that the same Stephen made an assault on John Sandye against the peace, etc., and divers other abetments of unjust presentments at the day 20s. by the pledge of J. Henstel. It remains for default of a jury (margin).

Thomas Hosborn complains of Richard Bostard of a plea of trespass in 3 plaints, who was attached by the pledge of Simon Mochel, and of the Bailiff, and he comes not. Therefore they are fined. And let him be better distrained.

Roger Crokker complains of Thomas Vyfham of a plea of debt who was attached by the pledge of Simon Mochel, and the Bailiff, and comes not. Therefore they are fined. And let him be better distrained.

The Bailiff fined because he did not distrain John Yvelcomb to make satisfaction to William Clerk 2s. as heretofore he had in estreats, and let him be distrained.

Edward Courtenay, Earl of Devon, 2s.; the Prior of Taunton, 2s.; John Copleston, 12d.; John Durneford, 12d.; John Radyngton, 12d.; William Talbot, 2s.; John Bury, 12d.; Richard Chuseldon, 2s.; Ivo Fytwaryn, 2s.; Thomas Affeton, 12d.; John Wellysleghe, 12d.; John Loveryng, 6d.; Walter Cloteworthy, 12d.; the heir(s) of Mathias Hugan, 12d.; Walter Gombon, 2s.; Thomas Flemmyng, 12d.; Martin Lercedeakyn, 12d.; Richard Lercedeakyn, 12d.; William Bonvyle, 2s.; John Herle, 2s.; William Carmynowe, 2s.; Henry Talbot, 12d.; Edmund Pyllond, 12d.; the heir(s) of Nicholas Wampford, 11d.; give to the Lord for respite of their suits till the feast of Michael. Sum of the Court, 35s. 9d.

Barnstaple. Court of fees there holden on Saturday next after the feast of All Saints, in the 22nd year of the reign of King Richard the Second. Similar to the preceding Court, omitting the fines.

Court as above on Saturday in the feast of Saint Andrew the apostle, 22 Ric. II.

William Clerk is at law against John Yvelcomb that he does not owe him 6s. for one ox sold to him, nor, etc., by pledge of Hugh Vikery. Fined because in default in Law (margin).

Court as above on Saturday in the feast of St. Thomas the Apostle, 22 Ric. II.

John Arundel and John Aysch among those to be distrained to do homage and fealty to the Lord.

It is commanded to the Bailiff to present at the next concerning a relief due to the Lord by the death of Nicholas Wampford for the lands and tenements which he held of the Lord in Lokkysbeare.

Court as before on Saturday before the Conversion of St. Paul, 22 Ric. II.

Court as above, Saturday before the feast of Cathedra S. Petri, 22 Ric. II. The heir or heirs of Nicholas Wampford to do homage and fealty.

Court as above, Saturday after St. Gregory, 22 Ric. II.

Court as above, Saturday before St. George, 23 Ric. II.

Richard, parson of the Church of Instowe, complains of Thomas Hodysford of a plea of trespass, who was attached by the pledge of John Worthern and of the Bailiff, and comes not. Therefore they are fined. And let him be destrained. [In a different hand.] Whereof he complains on a certain day and year he took one horse of his which he took and which was delivered to him by name of a mortuary by the death of John Yvelcombe. And the aforesaid Thomas says that the said John Yvelcomb held of him half [an acre?] of land att' Yeo by charter, and that it is bound to render a heriot. And he has a day to show the charter. It remains in judgment (margin).

Court as above, Saturday after St. John ante Portam Latinam 22 Ric. II.

William Clark *v.* John Blake of a plea of [debt]. (Also in next Court, and in 23 Ric. II.)

Court as above, Saturday before St. Barnabas, 22 Ric. II.

Parson of Ynstowe *v.* Tho. Hoddysforde, still pending. (On a separate membrane.)

Court as above, Saturday after Translation of St. Thomas the Archbishop, 23 Ric. II.

The Bailiff presents that Nicholas Wamford held one moiety of a knight's fee in Loskysbery [and] is deceased. Let him be distrained. And John Cayngs is next heir, wherefore there falls to the Lord of a relief as it appears in the head. Relief 50s.

Richard Langeston fined because he made default of law against Walter Raynald for that he had not broken to him a covenant to stand to an agreement with him in the tithing of Webryngton. And let him be distrained for amendment.

Parson of Ynstow *v.* Thos. Hoddeforde, still pending. The Bailiff presents that John Aysch [who] held of the Lord one knight's fee at Playstowe, has deceased. Let him be distrained. And Walter Aysch is next heir, whereof there falls to the Lord of a relief as appears at the head. And let him be distrained to do homage and fealty. Relief 100s. (margin).

Also they present that Robert Corun (or Cormi?) knight, who held of the Lord one knight's fee in Anstay, has deceased. Let him be distrained. And Henry Corun, his brother, is next heir, wherefore there falls to the Lord of a relief as appears at the head. And it is commanded to the Bailiff to distrain him to do homage and fealty to the Lord. Relief 100s. (margin).

Court as above, Saturday after St. Lawrence, in the 23rd year of the reign of King Richard II.

John Caygnys, Henry Corun, and Walter Aysch, among those to be distrained to do [homage] and fealty to the Lord.

The inquisition between Stephen Cork by attorney, Plaintiff, and Walter Sounder, remains for default of a jury, for that the same Walter communicated with the 12 jurors at dinner, etc., and for that cause the 12 jurors are discharged, and it is commanded to the Bailiff to summon a new Inquisition.

Court as above, Saturday before St. Matthew, in the year aforesaid.

Sum of the 13 Courts holden by the year, £4 12s. 3d. Reliefs by the year £12 10s.

Pleas of debt, trespass, covenant, etc., in the above-mentioned courts, are not noticed in these abstracts.

J. R. Chanter.

Fort Hill, November 12th.

NO. XLIX.

Roll of the Mayor's Court.

For comparison with the Castle Court roll given in the last number, the subjoined translation and abstract from the earliest roll of the Mayor's Court will be interesting, as well as for its intrinsic curiosity. Some other rolls of a later period have already been given.

1329, Barnstaple. Pleas of the Mayor there in the time of Geoffrey the Dyer on Monday next after the feast of St. Faith the Virgin in the second year of the reign of King Edward the Third after the Conquest.

Memorandum.—Be it remembered that on Saturday in the feast of the Annunciation of the Blessed Mary in the third year of the reign of King Edward the Third from the Conquest, William Hany, merchant, of Avycia Carvoyse, of Watirforde, was attached by 20s. and 10d. at the suit of Roger de Mollonde, Thomas Leyne, and Matthew Scherpe for that [the said Roger] Thomas and Matthew were attached at Watirforde to pay toll for their merchandise, that is to say, by 20s. and 10d., which money there remains in the hands of the Mayor and Bailiffs there, by name of a pledge until, etc. And the aforesaid 20s. 10d. attached in the hands of the aforesaid William Hany remain in the hands of William Skoftere, consigned. And he found pledge William Palmere to return the said money if the said William Hany shall come within a year to do that which right shall require. And if he shall not have come after the year be completed, that it shall be delivered to the Mayor and Commonalty.

Acknowledgment of debt.—William le Wolf, at a certain day and place, came before us and acknowledged himself to be bound to William Flemmyng in 14s.

Be it remembered that Roger le Hopere is bound to the Warden of the Long Bridge of Barn[staple] in 19s., which are defended in the hand of Joan Gogh.

From a certain salmon sold contrary to the assize, 14d.

From John de Pippecote concerning wax brought from a certain stranger, 26d.

From Hugh le Wyta of a fine, 2s.

Be it remembered concerning 16s. of the goods of William Chamberleyn in the hand of Jurdan le Degher', for which Jurdan is distrained by one pot.

Be it remembered that Richard le Toker, of Bathe, is attached by 7 cloths, by suspicion, and they remain in the common chest, in the custody of Gilbert ate Wille, and the eighth in the custody of John ate Barr', senior.

Be it remembered concerning lead, 4s. 6d., and timber, 5s., of the common house sold to Gemian D . . wa by Wyet, whereof the aforesaid Wyet is charged upon the account 9s. 6d.

The goods of Thomas le Baker.—Be it remembered that on Saturday next after the feast of Saint Faith, in the second year of Edward, the goods of Thomas le Lange, baker, were appraised by the oath of John Culverman, Gilbert Biritom', Robert Dirna, Robert de Kybistom', Adam le Rede, and William de Blakeville, that is to say, one chest, 16 pence, one vat for mashing 10d., one cask 6[d.], one willy 2d., one flacket ¼d., one tub, and one trendle 12d., one other tub in the custody of Geoffrey de Colecote, 9d. Also 1 trendle, 3d., four weak tables, 4d. Also 2 bushels of vetches, 5d. Also one brewing tub, 10d., and they remain in the custody of Guy de Tanton for a debt of [to?] the Commonalty.

Be it remembered concerning one brass pot, price 3s., 1 dish price 16d., 1 basin, price 15d., taken from Nicholas de Doune for a debt which the same Nicholas owes to the Commonalty of Barn[staple]; which distress remains in the custody of Guy de Tanton, then Receiver of the Commonalty.

Be it remembered that on Thursday next before the feast of St. Dunstan, this year, the Butchers made a fine for having stalls:

Viz., by the week.	Viz., by the year.
Henry de Brattone	2s.
Nicholas Cugevin	2s.
Richard le Hopere	2s.
William de Blakewille	2s
Richard de Holonde	20d.
William Pontel	od.
[Ralph de Holonde]	[20d.]
William Passeleuwe	18d.
Walter the Cook, of Niweport	18d.
Richard Seeys	18d.
Philip Hurt	20d.
Roger Stilbaik	2s.
John Kyng?	2s.
John Burel	2s.
Simon Brattone	2s.
Stephen Bregh	2s.
	Sum, 29s. 6d.

Luke Frugaunt (?) for trespass done to the Commonalty for that he sold bread made of darnel.

Roger, son of John de la Schamelis, fined for trespass done to the Commonalty.

On Saturday next after the feast of the Translation of St. Thomas, the Martyr, in the third year of Edward, came William le Wulf before the Mayor and Bailiffs of Barn [staple], and acknowledged himself to be bound to Stephen le Rede, of Haverforde, who was present, by John Stephen, his attorney, in 60s. of silver, in which he was condemned by the said Mayor.

It is commanded to William le Barbour that he do not harbour nor receive Emma de Westacote nor Alice, her daughter, who are not able to be in the town, under pain of 20s.

Be it remembered that Guy de Tanton received 8d. of the collection which Walter Bade collected on Wednesday next, after the feast of St. Peter ad Vincula, in the third year of Edward.

Be it remembered that Richard . . . Conne (?) and John de Colecote, became surety for Richard ata Parke, to pay the fee of the Mayor and Bailiffs of Barn[staple], that is to say, 3 boards (bordos).

Chattels of Robert de Sloutom', who abjured the realm of England on Saturday next, after the feast of St. Bartholomew the Apostle, in the third year of Edward, that is to say, one brass pot, price 18d., one dish, price 6d., 1 basin, price 6d., one candlestick, price 4d., one fork for the fire, 3d., wooden utensils, 5d. And they are in the chest, altogether in value 3s. 7d.

David of Cornwall acknowledged to be bound to John de Barkeden' in 29s. 8d. for grain, that is to say, oats, bought of the same, for which he was distrained.

William Moys found surety to make amends to the Mayor and Commonalty, for that he sold flesh out of the stalls in a place not ordained for that purpose, by pledge of William Blakewille.

Robert P . . . our fined for trespass done in the liberty of the town; in the chest.—Fine 3d.

Be it remembered concerning the goods of Oseborn le Spycere, delivered to Gemianus Dirna and Guy de Tanton for debt, that is to say, 60 lambskins, price 3s., wool, price 2d., one tapestry, price 14d., 6 ells of cloth, price 2s. 6d., one basin, price 12d.

Court of the Mayor holden on Wednesday next before the feast of St. George, in the fourth year of King Edward.

David Burgeys, of Swanesy, found surety to make amends to Nicholas de Donneworthy for trespass done to him on Wednesday next before the feast of St. George; therefore he is fined 12d.

Agnes, who was the wife of Walter Bade, executrix of the testament of the same Walter, complains of John Pyketon of a plea of detention of chattels; pledge to prosecute, Roger de la Wode; who [Agnes] claims from the same 15 shillings of silver for wool, which the same John owed to the said Walter, deceased, while he lived; and the said 15 shillings remain in the custody of Simon Poul, until, etc.

J. R. Chanter.

Fort Hill, November 20th.

NO. L.

In No. 41 reference is made to the Manor of Hogg's fee, as one of the separate jurisdictions of the borough. Our records of it are very meagre. It principally consisted of a small tract of land and houses outside the walls, to the south of the Manor of Maudlyn. The first notice of it as a manor is found in an estreat roll and post mortem inquisition in the Record Office, temp. Edwd. 2nd—"Robert Beauple, who had in the said Burgh a Fee called Hoggis Fee, of which are held 26 Tenements for which the Lord held his Court every 3 weeks." In 9th Richard 2nd, 1385—"Nigel Loring and Margaret, his wife, possessed a tenement in Barnstaple called Hoggs fee, for which they rendered 10s."

In the earliest Mayor's Court Book, under the date 42nd Edward 3, appears the following entry:

1368. The Mayor and Commonalty say that a Burgess of Hoggisffe pays no frugavell, because he does suit to the Lord of Audleigh at his Court in Hoggisffe.

In 1773, Mr. Incledon prepared a short summary of the descent of the manor until the whole fell into the hands of the Corporation, taken, as he states, from the title deeds, but as only a few of these deeds can now be traced, his account is here transcribed.

Hogges Fee.

1554. Henry, Duke of Suffolk, seized in fee, attainted of high treason, and executed *anno secundo Mariæ.*

On Mary's death came to Lady Elizabeth, and from her to King James.

1610. King James, by letters patent, grants the Manor of Barnestaple and Hoggs fee, with the Appurtenances, unto George Whitmore and Thomas Whitmore, to hold by Soccage, as of his Manor of East Greenwich.

Then follow several sales of the manor:

June 20th, 1613. George Whitmore, of London, Knight, sold the manor to Richard Bennett, of Middle Temple, London, Knight, and William Bennett, of London, gentleman.

July 11th, 1614. The above-named Richard and William Bennett disposed of the manor to John Pyncombe, of South Molton.

February 19th, 1618 N.S. An exemplification of the letters patent granted by King James in 1610 was made at the request of John Pyncombe. A copy of this document is given, as it recites the principal details contained in the other documents.

Exemplification of Letters Patent.

A.D. 1617. James, by the grace of God, King of England, Scotland, France, and Ireland, defender of the faith. We have inspected a copy of letters patent of ours granted at Westminster on the 23rd day of March, in the eighth year of our reign over England, to certain persons, namely, George Whitmore and Thomas Whitmore, Esquires, in which among other things the following occur: "The King to all to whom these presents come, greeting. Know that by this deed we have granted to our beloved and faithful subjects, George Whitmore and Thomas Whitmore, of London, Esquires, their heirs and assigns for ever, our Manor of Barnestaple and Hoggesfee, with their appurtenances reputed of the Manor of Barnestaple and Hoggesfee, and of the annual rent or value fifty-five shillings and eight pence, and formerly parcel of the lands of the late Henry, Duke of Suffolk. We have also given and granted by these presents to the aforesaid George and Thomas, all and singular our messuages, mills, houses, buildings, granaries, stables, dovecots, gardens, orchards, meadows, tenements, cottages, pools, vineyards, heaths, moors, marshes, woods, copses, and all the soil of the same, as also the streams, water courses, ferries, fisheries, rights of hawking and hunting, mill rights, quarries, rents, reversions, fines, court leet, view of frank pledge, and all the goods and chattels of suicides, outlaws, and all dues and market tolls, wrecks of the sea, and all our profits and hereditaments whatsoever, that may be situate, lying, and be within the manor, hundred, fee, liberty, borough, town, places, or hamlets aforesaid, besides all the reversions of the said places. And further of our special favour we have given and granted, and by these presents do give and grant, to the aforesaid George Whitmore and Thomas Whitmore, their heirs and assigns, that they shall for ever have and enjoy the court leet, view of frank pledge, law days, assize of bread, wine, and ale, marriages of wards, reliefs, estreats, heriots, free warrens, hawking, hunting, and all other jurisdictions, free liberties, customs, privileges, profits, as fully and entirely as any Abbott or Abbess, Prior or Prioress of any of the late monasteries, abbeys, priories, or hospitals, or any Bishop of Lincoln, or the aforesaid Henry the late Duke of Suffolk, or Edward the late Earl of Devon, or William the late Marquis of Northampton, or Thomas the late Lord Seymour of Dudley, or any of them, held the aforesaid manor. Furthermore we grant them to be held as freely and fully as they were held by any of our predecessors the Kings or Queens of England, by reason of the suppression of any monastery, priory, or hospital, or by any act of Parliament or by reason of any fine or exchange, always excepting, however, all and singular the advowsons and free presentations to all rectories, churches, vicarages, chapels, and other ecclesiastical

benefices; to have and to hold all and singular the aforesaid, with the exceptions specified, to the aforesaid George Whitmore and Thomas Whitmore, their heirs and assigns for ever; to be held of us and our successors as of the Manor of East Greenwich, in our county of Kent, by fealty only in free socage, nor in capite nor by military service; and we grant that they shall receive all the rents, reversions, and profits of every kind of the said properties, from the feast of S. Michael the Archangel last past; and furthermore, we command our treasurers, chancellors, sub-treasurers, chamberlains, the barons of our treasury, auditors, receivers, and other officials, that if any rents, reversions, or profits of the aforesaid due after the said feast of St. Michael be paid to them, they shall deliver the same to the said George Whitmore and Thomas Whitmore. And we will that these letters patent shall be valid against us and our successors in all our courts in England, without any confirmation or license, notwithstanding a statute passed in the Parliament of our predecessor Henry VI., in the 18th year of his reign, and notwithstanding a statute passed in the Parliament of Henry IV., in the first year of his reign, and notwithstanding any other statute of this kingdom. In testimony of which thing we affix our seal at Westminster on this 23rd day of March." Now we, having inspected the aforesaid letters patent, have caused them to be exemplified by these presents at the request of our beloved John Pincombe, Esq. Witnessed by me myself at Westminster, on the 19th day of February, in the 15th year of our reign over England, France, and Ireland, and the 51st over Ireland.

THOS. WAINWRIGHT.

Grammar School, Barnstaple, November 27th, 1879.

NO. LI.

Manor of Hogg's Fee (Continued). Sale to the Corporation of one-third of the Manor by John Carew, Esq.

This indenture, made the fourth day of October in the sixth yeare of the reigne of our Soveraigne Lord George the Second, by the Grace of God of Great Britain, France, and Ireland King, Defender of the Faith, etc., *Annoque Domini* one thousand, seven hundred, and thirty-two, between John Carew of Camerton in the County of Somersett, Esq., of the one part and the Mayor, Aldermen, and Burgesses of the Burrough and Parish of Barnestaple in the County of Devon of the other part, Witnesseth that the said John Carew for and in consideration of the sume of five shillings of lawful British money to him in hand paid by the said Mayor, Aldermen, and Burgesses at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath bargained and sold and by these presents doth bargain and sell unto the said Mayor, Aldermen, and Burgesses, their successors and assignes, one-third part (the whole in three parts to be divided) of all that mannor or reputed mannor, royalty, and priviledge of Hogs Fee situate in the town and parish of Barnestaple aforesaid, and of the Courts Leet and View of Frank Pledge, Wast Lands, High or Chief Rents, consisting of several small rents in fee, issueing out of divers messuages and lands in Barnestaple aforesaid amounting in the whole to one pound, fourteen shillings, and sevenpence halfpenny per annum and services of and belonging to the said mannor, and the reversion and reversions, remainder and remainders thereof (excepting and always reserving out of this bargain and sale unto the said John Carew, his heirs and assignes the third part of all the demesne lands of the said mannor, and of all lands and tenements out in lease to tenants and of all rents reserved in such leases). To have and to hold the said third part and premises heretofore mentioned and hereby intended to be bargained and sold with their appurtenances unto the said Mayor, Aldermen, and Burgesses their successors and assignes from the day next before the day of the date of these presents and during the full term and time of one whole year from thence next ensueing and fully to be compleat and ended, yielding and paying therefore unto the said John Carew, his heirs and assignes, the rent of a pepper corn at the feast of St. Michael the Archangell if lawfully demanded. To the intent that by Virtue of these presents and of the statute for transferring uses into possession they the said Mayor, Aldermen, and Burgesses may be in the

actuall possession of all and singular the said third part and premises with the appurtenances, and to be thereby enabled to accept and take a grant and release of the revertion and inheritance thereof to them and their successors and assignes for ever. In witness whereof the parties first above named to these indentures their hands and seals interchangeably have sett the day and year first above written.

A schedule containing a particular of the high or chief rents amounting in the whole to one pound fourteen shillings and seven pence halfpenny per annum in the indenture hereunto annexed mentioned, and to which the same refers whereof one-third part is hereby bargained and released (to wit)—

	£	s.	d.
John Rolle, Esq., by the widow Barnes		6	0
Richard Ackland, Esq., for Lovering		2	0
Mr. Hole for the heirs of late Loverhill		2	0
The heirs of Tremain for widow of Arthur Ley		2	5
Mrs. Bagilhole for late Eliz. Pollards in Bear Street			7½
The heirs of Hill, by Joshua Bowden, now widow Coulscott			5
The Mayor and Corporation			5
John Downe, Esq., by John Best...			7½
Alexander Hooper for Mr. Swayne		3	2
Mrs. Bale		3	0
Gilbert Knill now Barwick		7	0
Widow Penrose by John Downe...		1	2
Mr. John Kimpland, late Gribbles			8
Mr. James Kimpland			10
John Britton for Nicholls			6
Mr. Moule for Langdons			4
John Downe, of Northam Esq., by Mr. Oliver Harris			6½
Widow Wheeler for Trobridge's lands by Francis Aze			6
Bridgewardens		2	0
John Plym for late Parkins, in Bear Street			5
	1	14	7½

An indenture made Oct. 6th, 1732, between John Carew of Camerton, Somerset, Esquire, devisee of Mary Trenchard, late of Fulford, in the county of Devon, widow, second son of her kinsman Thomas Carew, Esq., deceased, and the Mayor, Aldermen, and Burgesses of Barnstaple, witnesses, that in pursuance of a contract in writing dated May 11th, 1732, between Mr. Robert Incledon for John Carew and Mr. Samuel Berry for the said Corporation for the sum of £8 6s. 8d. paid to John Carew by the Corporation confirms to them (in their actual possession by a deed of sale made by John Carew for one whole year dated the day before the date of these presents) in consideration of five shillings there mentioned, and by force of the statute for transferring uses one-third part of the Manor of Hogsfee in Barnstaple part of the inheritance of John Pincombe, Esq., late of Welstan, in the parish of Poughill in Devon, deceased, and which descended and came to the said Mary Trenchard as daughter and heir of Mary Pincombe (by John Huckfyld, Esq., her husband deceased), one of the three sisters and heir of Richard Pincombe, Esq., deceased, who was the son and heir of the said John Pincombe.

Sale of the remaining two-thirds of the Manor to the Corporation.

An Indenture made Sept. 11th, 1734, between Thomas Saltren of Stone in the parish of Parkham, Devon, Esq., and John Meddon of Alwington, Devon, gentleman, formerly called John Meddon, junior, of the first part, the Mayor, Aldermen, and Burgesses of Barnstaple of the second part, and Samuel Berry of Barnstaple, grocer, of the third part, Witnesses that an indenture of August 12th last past between Roger Tuckfield, of Redlyon Street in the parish of St. Andrew, Holborn, Esq., and John Creyke, of St. Ann's, Westminster, Clerk, executors and devisees of Gertrude Pyncombe, late of Welsbear, Devon, spinster, and the said Thomas Saltren and John Meddon, Recites that the said Gertrude devised to the said Tuckfield and Creyke all her lands in Devon and Somerset, and that by a decretal order it was pronounced at the Rolls Court by his Majesty's Attorney General on February 2nd, 1732, that the debts, legacies, funeral expenses, and costs of suits over and beyond the value of the testatrix's personal estate amounted to £4,999 19s. 0¼d. to be paid out of the moneys arising out of the sale of the testatrix's real estate, and that the two-third parts of the several lands and estates mentioned in the seventh schedule to the said report annexed were appointed to be sold for that purpose, and also Recites that in consideration of the sum of £2,191 2s. paid to them, the said Tuckfield and Creyke did sell to the said Sutton and Meddon the two-third parts of the said manor of Hogsfee, and they sold and conveyed the same to the Mayor, Aldermen, and Burgesses of Barnstaple who thus became possessed of the entirety.

The courts of the manor, which were held merely to collect rents, continued to be so held by the town clerk up to the beginning of the nineteenth century, since which time the few small high rents remaining have been consolidated with the ordinary Corporation rentals.

Thos. Wainwright.

Barnstaple, 1899.

END OF VOL. I.

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